

Job No. 333068

HOUSE COMMITTEE ON ELECTIONS
HOUSE FLOOR DEBATE
VOLUME I

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1 THE SPEAKER: The Chair lays out a second
2 reading. House Bill 218.

3 The clerk will read the bill.

4 THE CLERK: HB 218 by Brown of Kaufman
5 requiring a voter to present proof of identification.

6 THE SPEAKER: The Chair recognizes Brown.

7 REPRESENTATIVE BROWN: Mr. Speaker, Members
8 in the 1960s Americans fought a civil rights battle to
9 insure the right of everyone to vote. But every
10 American also has an equal right, equal civil right not
11 to have their ballot cancelled out by someone who
12 shouldn't be voting, who's voting twice or some in some
13 cases, has long since died.

14 Voting is the most basic building block of
15 our system of representative democracy.

16 Members, Members, voting is the most basic
17 building block --

18 THE SPEAKER: Members, we've got a long
19 afternoon ahead of us. If you'll let Ms. Brown have
20 your attention, move your conversations outside the
21 rail, I'd appreciate it. Thank you.

22 Go ahead, Ms. Brown.

23 REPRESENTATIVE BROWN: Voting is the most
24 basic building block of our system of representative
25 democracy. I don't think there's anyone in this room

1 that would disagree with me on that statement.

2 Polls show that voters are losing
3 confidence in the integrity of our elections and that
4 people are more likely to vote if they believe their
5 ballot will be fairly counted.

6 In a Wall Street Journal NBC news poll last
7 April found that 80 percent of Americans favored a photo
8 ID requirement with only seven percent opposed.

9 However, a more recent poll conducted
10 basically finds that 85 percent of Texans, regardless of
11 income level or race, favor photo ID.

12 Why do we so easily require photo ID to
13 board a plane or buy a beer or cigarettes, while leaving
14 a ballot box so undefended?

15 Americans are frequently asked to show
16 identification for even the most mundane activities,
17 such as to rent a DVD, check out a library book. Board
18 an airplane, buy alcohol or tobacco, to belong to bulk
19 retail clubs, such as Sam's Club. To purchase cold
20 medications, such as Sudafed.

21 In each of these instances, the right to
22 vote trumps all of these in importance. A worker at the
23 polling place should be able to verify the identity of
24 the voter.

25 Photo ID is just one step to protect the

1 integrity of the voting process. The Election Code sets
2 forth after forth a myriad of procedures set forth that
3 the process is fair.

4 First among these is that a person must be
5 18 years old and a citizen to vote. Regulations extend
6 from there to the registration process to the conduct of
7 the election officers.

8 Photo ID is simply purchasing putting into
9 practice the intent of the current code, and that is the
10 person who shows at the poll is the person he claims to
11 be.

12 REPRESENTATIVE ANCHIA: Mr. Speaker.

13 THE CHAIR: For what purpose, Mr. Anchia?

14 REPRESENTATIVE ANCHIA: Will the gentlelady
15 yield?

16 THE SPEAKER: Will you yield?

17 REPRESENTATIVE BROWN: I will not at this
18 time.

19 THE SPEAKER: Not at this time.

20 REPRESENTATIVE ANCHIA: Thank you.

21 REPRESENTATIVE BROWN: Voter impersonation
22 is a serious crime, but without a photo ID requirement
23 we can never have confidence in our system of voting.

24 Without voter verification the Election
25 Code is a law without meaning. Currently all that's

1 needed to vote is a voter card. Individuals are not
2 required to show identification, even to register to
3 vote.

4 On June 22, 2006, Harris County, Tax
5 Assessor and Voter Registrar, Paul Betencort, testified
6 before the U.S. House Administration committee that in
7 2005 he identified at least 35 foreign nationals who
8 either applied or received voter registration cards.

9 Mr. Betencort told the Committee that a
10 Brazilian woman registered had her registration
11 cancelled, reregistered claiming to be a citizen and had
12 her registration cancelled again.

13 While registered, she voted, at least, four
14 times in general and primary elections.

15 Before January 1, 2006 there was no check
16 done on a voter registration application to see if the
17 applicant was a valid person.

18 In January, 2006 HAVA was implemented and
19 now all new applicants must provide a Social Security
20 number or Texas driver's license. This is now checked
21 to make sure that those are checked now to make sure the
22 person applying is a valid person.

23 All registrations on record before
24 January 1, 2006 were grandfathered in and no validation
25 check was performed on these records under the current

1 HAVA law. If you indicate you have neither a Texas
2 Driver's License nor Social Security number, there's no
3 check being done and the person is automatically being
4 registered.

5 In Harris County voter database consists of
6 1.7 million voters, of which 253,000 voters we cannot
7 validate their ID against the Texas Department of Public
8 Safety matching criteria on a first name, last name,
9 date of birth match. These records do not exist.

10 Out of the 18,230,066 voters that IDs can
11 be validated against the Texas Department of Public
12 Safety, 98,438 have voted in a recent election.

13 REPRESENTATIVE ANCHIA: Mr. Speaker?

14 THE SPEAKER: Mr. Anchia, for what purpose?

15 REPRESENTATIVE ANCHIA: Will the gentlelady
16 yield?

17 THE SPEAKER: Will the lady yield?

18 REPRESENTATIVE BROWN: Not at this time.

19 THE SPEAKER: Not at this time, Mr. Anchia.

20 REPRESENTATIVE ANCHIA: Thank you. Thank
21 you, Mr. Speaker.

22 REPRESENTATIVE BROWN: And, Mr. Speaker, I
23 plan to finish my remarks before I yield.

24 Under the current HAVA law, if you indicate
25 you have neither a Texas Driver's License and so on,

1 you're automatically registered.

2 The Harris County voter database of the
3 1.1 million voters of the 253,000 voters, we cannot
4 validate their ID against the Texas department ID
5 matching criteria as I just stated. This is not an
6 issue only in Texas.

7 Voter ID laws are considered one of the
8 most basic and necessary election safeguards by a host
9 of con industries, including Canada, Mexico, France,
10 Germany, Italy, Poland, Britain, India, and South
11 Africa. But less than half of the U.S. states have any
12 kind of photo ID laws.

13 Former President Jimmy Carter and former
14 Secretary of State James Baker have presented a
15 bipartisan Election Reform Report to President Bush and
16 members of contingency that recommend states should
17 insure that the persons presenting themselves at the
18 polling place are the ones on the registration list by
19 requiring photo identification.

20 The recently formed Mississippians for
21 Voter ID Identification argues that insuring ID at the
22 polls would help insure that some 140,000 ineligible
23 residents would not be able to participate in the
24 process without spending the millions of dollars in
25 labor hours necessary to create a statewide database.

1 The United States Department of Justice
2 has, under certain conditions, approved Voter ID
3 programs in a number of states. HB 218 insures that the
4 right to vote is reserved only for those who are
5 eligible to vote.

6 There are no statutory standards to verify
7 the identity of individuals at the polling place when
8 they present a voter registration certificate.

9 HB 218 modifies provisions requiring a
10 voter to present proof of identification when offering
11 to vote.

12 HB 218 requires that when offering to vote,
13 a voter must presents either one form of photo
14 identification or two different forms of non-photo
15 identification.

16 If the person fails to meet these standards
17 they may still vote upon completion of a provisional
18 ballot Affidavit. The U.S. Supreme Court recognizes the
19 merits of photo identification for voting.

20 Members, did you hear that statement? The
21 U.S. Supreme Court recognizes the merits of photo
22 identification for voting, and removing an injunction
23 against Arizona's photo identification law.

24 The U.S. Supreme Court's procurian reads:
25 "Confidence in the integrity of our electoral process is

1 essential of our participatory democracy.

2 "Voter fraud drives uncitizens out of our
3 democracy and breeds distrust out of our government.
4 Voters who fear their legitimate votes will be
5 outweighed by fraudulent ones will feel disenfranchised?

6 Also, Indiana's Photo ID law was upheld by
7 the 7th Circuit of U.S. Court of Appeals on January 4,
8 2007. In upholding the Indiana Photo ID law, the U.S.
9 Court of Appeals notes that voters who do not comply
10 with the law by obtaining photo identification
11 disenfranchised themselves.

12 Voting is the most important right in
13 America but it's also a responsibility. The government
14 requires voters to register before receiving a ballot,
15 thereby providing information they provide on their
16 registration application is not a measure designed to
17 prevent any citizen from voting.

18 It's instead a measure designed to keep
19 illegal aliens, not citizens and people otherwise not
20 qualified from voting and diluting the legitimate votes
21 cast by citizens.

22 We all know of instances of close elections
23 decided by only a few votes. The question is: Do you
24 want to see a close election in the future decided by a
25 few votes that were cast illegally?

1 Mr. Speaker and Members, each time we are
2 sworn in this chamber we pledge to uphold the
3 constitution of the U.S. and of this state. I take this
4 vote very seriously.

5 Therefore, I'll be voting for HB 218 in
6 order to do everything I can to see that we secure the
7 voting rights of our citizens, which is provided for in
8 the constitution and protect those rights from being
9 deluded by allowing people to vote who under our
10 constitution have no right to participate in our
11 elections.

12 Mr. Speaker, I will be happy to yield at
13 this point.

14 REPRESENTATIVE ANCHIA: Mr. Speaker.

15 THE SPEAKER: Mr. Anchia, for what purpose?

16 REPRESENTATIVE ANCHIA: Will the gentlelady
17 yield?

18 THE SPEAKER: I think she did.

19 REPRESENTATIVE BROWN: I will.

20 REPRESENTATIVE ANCHIA: Thank you.

21 Representative Brown, I agree with you that
22 voting rights are basic rights founded and
23 representative democracy.

24 REPRESENTATIVE BROWN: That's right.

25 REPRESENTATIVE ANCHIA: And you have

11

1 articulated a concern related to fraud in elections.
2 You said voter fraud is the reason you brought this
3 bill?

4 REPRESENTATIVE BROWN: That's right.

5 REPRESENTATIVE ANCHIA: This bill is not
6 designed to deal with all types of voter fraud, correct?
7 For example, it's not designed to deal with fraud
8 related to electronic voting machines?

9 REPRESENTATIVE BROWN: No.

10 REPRESENTATIVE ANCHIA: Or
11 absentee-ballots?

12 REPRESENTATIVE BROWN: No.

13 REPRESENTATIVE ANCHIA: Or voter
14 suppression?

15 REPRESENTATIVE BROWN: No.

16 REPRESENTATIVE ANCHIA: Or misinformation
17 to voters?

18 REPRESENTATIVE BROWN: No.

19 REPRESENTATIVE ANCHIA: It's specifically
20 designed to deal with a very discrete type of voter
21 fraud called voter impersonation, is it not?

22 REPRESENTATIVE BROWN: That's right.

23 REPRESENTATIVE ANCHIA: And what is the
24 incidence of voter impersonation because you cited some
25 specifics from Paul Betencort because I was kind of

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1 curious. It sounded like that was evidence for a
2 different bill. You sited that foreign nationals were
3 voting in elections.

4 But you didn't give any evidence of voter
5 impersonation. And I want to understand, just to give
6 you some background: We asked Mr. Betencort, we did an
7 Open Records Request, got all the same information you
8 did, and we've gone through all of those records and
9 didn't find any related to voter impersonation.

10 Can you elaborate and talk about the
11 evidence that you sited because that sounds like a
12 different type of fraud that wouldn't be covered by your
13 bill.

14 REPRESENTATIVE BROWN: We have -- the
15 things that I sited from Harris County -- part of that
16 is his evidence of people having voted, impersonating
17 others. And much of that is from dead people voting and
18 not just once, but repeatedly.

19 In fact, we have much documentation --

20 REPRESENTATIVE ANCHIA: How many instances
21 of dead people voting were you able to find?

22 REPRESENTATIVE BROWN: Well, let's see.
23 Would this be enough?

24 REPRESENTATIVE ANCHIA: And that
25 information is the same information that was actually

1 sent to our office and it clearly didn't Bexar out that
2 all of those were dead people.

3 REPRESENTATIVE BROWN: These are all dead
4 people here. I have documentation from other --

5 REPRESENTATIVE ANCHIA: How many would you
6 estimate in how many cases?

7 REPRESENTATIVE BROWN: This is only one
8 county, of course. I would be happy to -- if you want
9 to come up here and count each of these documents --

10 REPRESENTATIVE ANCHIA: Just ballpark it
11 for me. Is it 20? Is it 50?

12 REPRESENTATIVE BROWN: Oh, I guess there's
13 maybe twice that in here from one county in the state.

14 REPRESENTATIVE ANCHIA: Okay. And let me
15 ask you this question: How does your bill solve -- when
16 you talk about the foreign nationals building -- how
17 does your bill solve that? The Brazilian woman you
18 talked about?

19 REPRESENTATIVE BROWN: That was just what
20 Mr. Betencort had sited. If she had decided to present
21 photo ID when she came to the polls, I think that could
22 have been stopped.

23 REPRESENTATIVE ANCHIA: Is that right?
24 Because that woman did present photo ID, right? Even
25 though she was a non citizen, she had a driver's

1 license, did she not?

2 REPRESENTATIVE BROWN: Did she? Did she?
3 I didn't know that.

4 REPRESENTATIVE ANCHIA: Did you not look
5 through that case because we did?

6 REPRESENTATIVE BROWN: Okay.

7 REPRESENTATIVE ANCHIA: Okay.

8 REPRESENTATIVE BROWN: That's one case.
9 That's one of the cases that he sited --

10 REPRESENTATIVE ANCHIA: I understand.

11 REPRESENTATIVE BROWN: And perhaps that
12 would be better for a later bill.

13 REPRESENTATIVE ANCHIA: Yeah. It sounds to
14 me like a lot of the evidence you presented relates to
15 non-citizen voting, but not Voter Identification.

16 Are you aware -- and I think you were in
17 the room at the time when I asked the Secretary of
18 State's office if there were any cases of voter
19 impersonation, do you recall what the answer was?

20 REPRESENTATIVE BROWN: No.

21 REPRESENTATIVE ANCHIA: You're right.
22 None, actually. We asked the Secretary of State's
23 office, whether they had received any complaints of
24 voter impersonation, and they said zero.

25 Were you also aware that when we asked the

1 Attorney General's Office how many cases of voter
2 impersonation they had investigated, it was zero?

3 REPRESENTATIVE BROWN: And do you know why
4 that is?

5 REPRESENTATIVE ANCHIA: I'd like to hear
6 the analysis.

7 REPRESENTATIVE BROWN: It's very hard to
8 document these cases of voter impersonation.

9 In order to pursue a case or to prosecute,
10 you actually have to have someone in the polling place
11 to have witnessed this person having voted and have
12 knowledge of their identification. So it's extremely
13 hard.

14 Unless we give people in the polling place
15 the authority to request photo ID or two forms of non
16 photo ID to verify their identification. It's almost
17 impossible.

18 Therefore, we must close this loophole in
19 the voter laws.

20 REPRESENTATIVE ANCHIA: If an allegation is
21 made, it would be very easy in, in fact, for the
22 Attorney General to go and figure out what documentation
23 was used by that person to vote and interview that
24 person and find out if they are who they are, right?

25 It sounds to me like --

1 REPRESENTATIVE BROWN: Do you think the
2 Attorney General goes out just because an accusation is
3 made? I think some proof has to be presented.

4 REPRESENTATIVE ANCHIA: Well, that's
5 exactly right.

6 REPRESENTATIVE BROWN: And it's extremely
7 hard to present proof without giving these people in the
8 polling places the authority to ask for photo ID.

9 REPRESENTATIVE ANCHIA: But let's back up a
10 step. And correct me if I'm wrong, but doesn't the
11 Secretary of State received complaints and forward those
12 onto the AG? And when the statement Secretary of State
13 said we have not even received one complaint during
14 2002.

15 Do you know how many votes have been cast
16 --

17 REPRESENTATIVE BROWN: Okay. There are a
18 couple of reasons why that this is not happening.

19 One is that the D.A.s in the counties where
20 this is going on are charged with keeping us safe and
21 investigating the murders and the armed robberies and
22 the rape and so on.

23 We have not placed a high priority on voter
24 fraud, and this is something that we have to do. And in
25 order to do it, we have to have our people who are in

1 the polling places and those who are charged with
2 prosecution have to have a few tools. And this is one
3 of them.

4 I think it's very much like someone killing
5 these people. They must prosecute voter fraud. And
6 then tying one on behind their backs and say okay, now,
7 you can do it, we're just not going to let you have the
8 tools that you need to have in order to do it.

9 REPRESENTATIVE ANCHIA: So you agree that
10 D.A.s need to do it in order to prosecute this, correct?
11 And that they should be prosecuting it, and --

12 REPRESENTATIVE BROWN: , actually, we need a
13 lock on this system to be able to leak out and verify
14 the vote.

15 REPRESENTATIVE ANCHIA: Can I ask my
16 question?

17 REPRESENTATIVE BROWN: Certainly.

18 REPRESENTATIVE ANCHIA: , that maybe this is
19 an enforcement issue, correct?

20 REPRESENTATIVE BROWN: That's part of it;
21 yes.

22 REPRESENTATIVE ANCHIA: You also talked
23 about the Carter-Baker Commission, did you not?

24 REPRESENTATIVE BROWN: Yes, I did.

25 REPRESENTATIVE ANCHIA: And you sited it as

1 support for Voter ID, did you not?

2 REPRESENTATIVE BROWN: Absolutely. And I
3 would like to make a statement before you go further
4 with your questioning: Because I rent your taking
5 statements out of the Carter-Baker report and presenting
6 them, twisting what they said.

7 Because we went back and got the full
8 report and you absolutely misrepresented those
9 statements.

10 THE SPEAKER: Representative Miller raises
11 the point of question. The gentlelady's time has
12 expired.

13 REPRESENTATIVE ANCHIA: I'd like to move
14 that the gentlelady's time be extended, please.

15 THE SPEAKER: Members, you've heard the
16 motion. Is there any objection? Members, vote aye.
17 Vote no. This is on the motion to extend.

18 (Record vote)

19 THE SPEAKER: Have all voted? Being 91
20 ayes, 46 nays.

21 The extension is granted.

22 THE SPEAKER: The Chair recognizes
23 Ms. Brown.

24 REPRESENTATIVE ANCHIA: Mr. Speaker.

25 THE SPEAKER: Mr. Anchia, for what purpose?

19

1 REPRESENTATIVE ANCHIA: Will the gentlelady
2 yield?

3 REPRESENTATIVE BROWN: I'd be happy to.

4 THE SPEAKER: The lady yields.

5 REPRESENTATIVE ANCHIA: You just suggested
6 that I twisted the words of the Carter-Baker Commission.

7 REPRESENTATIVE BROWN: Absolutely.

8 REPRESENTATIVE ANCHIA: And where would
9 that be? Are where would that have occurred? I'm just
10 kind of curious about that allegation.

11 REPRESENTATIVE BROWN: Okay. You quoted
12 president Carter as having said that he was against the
13 photo ID, and it was just one sentence. Okay.

14 Here's what you said. Since we presented
15 our work to the president, contingency, some have
16 overlooked almost all of the reports, a single
17 requirements that voters have driver's license or
18 government issued fired.

19 Worse, they have unfairly described our
20 recommendation, which includes Georgia, which just
21 standard did he, started demanding that voters have a
22 state issued photo ID, even though obtaining one can be
23 too costly or difficult for Georgians.

24 We consider Georgia's law discriminatory.

25 REPRESENTATIVE ANCHIA: Ms. --

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1 REPRESENTATIVE BROWN: Let me finish
2 answering your question.

3 President Carter went on to say that it's
4 very encouraging to us, he's quoting Any Young, says
5 this will help minority voting instead of deterring it.

6 And then he says that, indeed, he did say
7 that he thought the Georgia law should be discarded or
8 thrown out because it costs the voters too much.

9 But then he went on to talk about you how
10 he did support it and he thought this was a very much
11 needed thing.

12 But you only pulled that out because he had
13 opposed it because of the costs but our bill has
14 addressed that and taken the costs out.

15 REPRESENTATIVE ANCHIA: I'm going to give
16 you the opportunity to retract your allegation before I
17 explain it to you.

18 Would you like to retract it?

19 REPRESENTATIVE BROWN: No. No.

20 REPRESENTATIVE ANCHIA: Okay. Because you
21 suggested that I was manipulating Carter-Baker, which is
22 clearly not the case.

23 I was quoting directly from the New York
24 Times opt ad by President Carter and by Secretary Baker,
25 and it's very clear, and it is dated September 23, 2005.

21

1 Is it not?

2 I mean, you accuse me of manipulating the
3 Carter-Baker Report, but in fact, that quote is from the
4 New York Times op ed by President Carter and Mr. Baker,
5 is it not?

6 REPRESENTATIVE BROWN: I'm sorry.

7 REPRESENTATIVE ANCHIA: Wouldn't you like
8 to retract what you said earlier?

9 REPRESENTATIVE BROWN: No, I would not.

10 REPRESENTATIVE ANCHIA: Okay.

11 REPRESENTATIVE BROWN: If you took it
12 directly from the New York Times --

13 REPRESENTATIVE ANCHIA: Okay. Let me ask
14 you what you said earlier --

15 REPRESENTATIVE BROWN: That's if. But if
16 you took it from the actual conversation --

17 REPRESENTATIVE ANCHIA: You had accused me
18 of picking and choosing from the Carter-Baker Report, is
19 that not correct?

20 REPRESENTATIVE BROWN: Yes.

21 REPRESENTATIVE ANCHIA: And, in fact, the
22 quote that is contained in that document is from the New
23 York Times Article, it's an op ed authored by President
24 Carter and Secretary Baker, dated September 23, 2005, is
25 it not?

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1 REPRESENTATIVE BROWN: I'm sorry. I
2 couldn't hear you for another conversation going on.
3 You'll have to repeat your question, please.

4 REPRESENTATIVE ANCHIA: You accused me of
5 having manipulated Carter-Baker and the concepts of the
6 Carter-Baker Report.

7 REPRESENTATIVE BROWN: Yes. But would you
8 read your conversation, it's obvious --

9 REPRESENTATIVE ANCHIA: Can I ask my
10 question?

11 Is it not true that the quote was taken
12 directly, not from Carter-Baker, but an op ed that was
13 authored by President Carter and Secretary Baker
14 subsequent to the release of the Carter-Baker Report,
15 and it is directly from that op ed, is it not?

16 REPRESENTATIVE BROWN: I have to take your
17 word for it that that's your quote taken from an article
18 rather than from the conversation.

19 REPRESENTATIVE ANCHIA: And you're going to
20 have your facts. Don't accuse me of manipulating from
21 the Carter-Baker Report.

22 REPRESENTATIVE BROWN: It is a
23 manipulation, whether it originated with you or with the
24 New York Times.

25 REPRESENTATIVE ANCHIA: Okay. It was

1 written by President Carter by the way. It wasn't
2 written by the times. It was written by President
3 Carter and Mr. Baker.

4 REPRESENTATIVE BROWN: It's misleading and
5 my point is that the statement is misleading when you
6 read what President Carter actually said about the photo
7 ID requirement.

8 REPRESENTATIVE ANCHIA: Ms. Brown, I'd like
9 to ask you about Carter-Baker, as well.

10 Now, I could make the same allegation that
11 you're picking and choosing what you like about the
12 Carter-Baker Report. Is it not true that while Voter
13 Identification was suggested by Carter-Baker, it was
14 suggested in a broader context, is it not true?

15 REPRESENTATIVE BROWN: I'm not sure.

16 REPRESENTATIVE ANCHIA: Weren't there
17 multiple recommendations that were all to be taken in
18 tandem?

19 REPRESENTATIVE BROWN: But two of the major
20 recommendations were photo ID and proof of citizenship
21 and a variety of, as a society, things that would
22 definitely help our voting process.

23 REPRESENTATIVE ANCHIA: Is it not true that
24 Carter-Baker also suggested that we wait on Voter ID
25 until real ID was in place? Is that not true?

1 REPRESENTATIVE: Brown it could be.

2 REPRESENTATIVE ANCHIA: Have you read the
3 Carter-Baker Report?

4 REPRESENTATIVE BROWN: I read this along
5 with many other things.

6 REPRESENTATIVE ANCHIA: Do you have the
7 section of the Carter-Baker Report entitled 2.5 Voter
8 Identification? And would you like to read along with
9 me?

10 REPRESENTATIVE BROWN: I don't have the
11 report itself.

12 REPRESENTATIVE ANCHIA: I'll read it to
13 you.

14 REPRESENTATIVE BROWN: It's a conversation
15 on-line at the news hour.

16 REPRESENTATIVE ANCHIA: I'll read it to
17 you. It's on Page 19 of the Carter-Baker Report.

18 REPRESENTATIVE BROWN: Okay.

19 REPRESENTATIVE ANCHIA: See what you're
20 trying to do is say that the Carter-Baker suggests this,
21 when, in fact, it does not. If you take into account
22 all the other recommendations.

23 And the New York Times article that I
24 presented to you in fact, says, hey, people are trying
25 to pick and choose on Carter-Baker.

1 But what they have to do is actually look
2 at the report in total. And do they not say that real
3 ID should be in place before you adopt the standards?
4 Is that not correct?

5 REPRESENTATIVE BROWN: I'll take your word
6 that it's saying that.

7 REPRESENTATIVE ANCHIA: And do they not
8 also say, quote, on Page 19, "We view concerns about ID,
9 that they could disenfranchise eligible voters, have an
10 adverse impact on minorities and be used to monitor
11 behavior as serious and legitimate and are our proposal
12 aims to address these concerns," is that not true?

13 REPRESENTATIVE BROWN: Well, it's strange
14 that it would be because President Carter said just of
15 the opposite.

16 REPRESENTATIVE ANCHIA: Well, see, I've
17 actually read the Carter-Baker Report and I have it in
18 front of me. And I'm reading it now.

19 REPRESENTATIVE BROWN: Well, I'm talking
20 about his interview when he stated otherwise.

21 REPRESENTATIVE ANCHIA: And is it not true
22 that they've acknowledged potential barriers to
23 different groups and suggested that Carter-Baker be
24 implemented with a slew of other proposals including
25 things like opening up more government offices? Making

1 the ID free? Having mobile voter registration centers?

2 REPRESENTATIVE BROWN: And many of those
3 things --

4 REPRESENTATIVE ANCHIA: Where in your bill
5 do you have mobile registration centers or money for new
6 offices? Or money for voter outreach? Where in your
7 bill does that occur?

8 REPRESENTATIVE BROWN: We don't have those.
9 You know that. We do have the provision whereby if
10 someone has stated that they cannot afford a photo ID --
11 and by the way, I do have a Perfecting Amendment that
12 they would not have to sign an Affidavit to that
13 effect -- all they have to do is say they can't afford
14 the nominal fee for a photo ID from DPS. It would be
15 issued free of charge.

16 REPRESENTATIVE ANCHIA: How many people
17 don't have photo ID in Texas?

18 REPRESENTATIVE BROWN: There aren't many.
19 We have the records that there are about a million and a
20 half more driver's licenses out there than we do have
21 voter registrations. We have the number for those
22 people over 80, and we have -- the numbers just show
23 that there has to be very few.

24 In fact, .035 percent, I believe, it is, of
25 the people over 80 in Harris County have --

1 REPRESENTATIVE ANCHIA: You've given me
2 these numbers.

3 How do you rectify these numbers the
4 Brennan Center, that is the New York School of Law, has
5 done a study on this that says that 11 percent of all
6 Americans do not have photo identification? How do you
7 react to that number?

8 REPRESENTATIVE BROWN: Well, I react by
9 saying that there are differing opinions by the number
10 of people that do not have photo ID. We're not
11 requiring that everyone have photo ID to vote. We're
12 saying if you can't present a photo ID, then two forms
13 of non photo ID will be acceptable.

14 And our bill also does not change the
15 mail-in ballot process. Anyone who can't make it to the
16 polls. It would be a hardship for them to go pick up a
17 DPS photo ID, they can still use their mail-in ballot.

18 So we've made plenty of provisions for
19 anyone who wants to vote to be able to vote. We didn't
20 set out to keep anyone from voting.

21 REPRESENTATIVE ANCHIA: You have suggested
22 that not many Texans who have no form of photo ID, you
23 said that earlier, did you not?

24 REPRESENTATIVE BROWN: Yes. That's another
25 point that has just been brought up.

1 Even if you don't have any of these things,
2 you can still vote provisionally.

3 REPRESENTATIVE ANCHIA: What percentage of
4 provisional ballots are counted in the state?

5 REPRESENTATIVE BROWN: I'm sorry.

6 REPRESENTATIVE ANCHIA: According to the
7 Secretary of State, what percentage of provisional
8 ballots are counted in this state?

9 REPRESENTATIVE BROWN: The provisional
10 ballot is actually not counted, to my knowledge.

11 REPRESENTATIVE ANCHIA: Actually
12 20 percent. So 80 percent of all processes provisional
13 ballots are not counted in the state.

14 REPRESENTATIVE BROWN: Okay.

15 REPRESENTATIVE ANCHIA: They're,
16 essentially, discarded.

17 REPRESENTATIVE BROWN: I am looking for
18 those numbers for you about people who have photo ID.

19 REPRESENTATIVE ANCHIA: What is 10 percent
20 of roughly 20 million?

21 REPRESENTATIVE BROWN: Let me give you some
22 statistics that you had in your previous question about
23 people who actually have photo ID.

24 REPRESENTATIVE ANCHIA: Answer this
25 question for me: What is 10 percent of 20 million?

1 REPRESENTATIVE BROWN: Well, it would be
2 200,000.

3 REPRESENTATIVE ANCHIA: It's actually 2
4 million.

5 REPRESENTATIVE BROWN: I need to add
6 another zero.

7 REPRESENTATIVE: You need to add another
8 zero. And do you think that's a lot of people or a
9 small number?

10 REPRESENTATIVE BROWN: It's a very large
11 number but I have no confidence in that figure.

12 REPRESENTATIVE ANCHIA: Would it surprise
13 you to know that according to the statistics from the
14 New York School of Law, Brennan Center, that about 2
15 million Texans would not have the photo ID to comply
16 with this bill? Many of them --

17 REPRESENTATIVE BROWN: I don't believe
18 that --

19 REPRESENTATIVE ANCHIA: You don't believe
20 the New York School of Law?

21 REPRESENTATIVE BROWN: And if they don't
22 have a photo ID, two forms of non-photo ID will still
23 get them into the polling place. If they can't present
24 any of that, they fill out the voter provisional ballot.

25 REPRESENTATIVE ANCHIA: You just told me

1 that you don't believe the Brennan Center. You don't
2 believe in the New York School of Law.

3 The Kaufmann County School of Law? What
4 would be good evidence?

5 REPRESENTATIVE BROWN: Okay. You have to
6 first tell me who was old. Across what segment of the
7 population was old.

8 You have to give me the details about this
9 polling before I can have confidence in it. And was it
10 Texans? Was it nationwide? What kind of polling data
11 are you suggesting?

12 REPRESENTATIVE ANCHIA: The Brennan Center
13 Report is available, and if we have it, I'd be happy to
14 pass it out to you. The Brennan Center also figures
15 that 18 percent, about 6 million American citizens is,
16 65 and older do not have photo ID.

17 THE SPEAKER: Representative Miller has
18 raised the point of order. The gentlelady's time has
19 expired.

20 REPRESENTATIVE ANCHIA: Mr. Speaker.

21 THE SPEAKER: For what purpose, Mr. Anchia?

22 REPRESENTATIVE ANCHIA: Will the gentlelady
23 -- I'd like to move that the gentlelady's time be
24 extended.

25 THE SPEAKER: Members, is there any

1 objection? Mr. Anchia, this requires unanimous consent.

2 REPRESENTATIVE ANCHIA: Thank you,

3 Mr. Speaker. Thank you.

4 Representative Brown.

5 THE SPEAKER: The point of order is well
6 taken and sustained.

7 The Chair recognizes Mr. Puente for an
8 introduction.

9 REPRESENTATIVE PUENTE: Mr. Speaker,
10 Members, up in the north gallery there's a school group
11 that Representative Castro and I have asked to be here.
12 The school is actually in my district. It's Rogers
13 Middle School, and Mr. Castro also has some friends
14 there.

15 So Rogers Middle School, would you stand
16 up, please. Rogers Middle School. Welcome to Austin
17 and welcome to your Capitol.

18 THE SPEAKER: The Chair recognizes
19 Ms. Laudenberg for a motion.

20 REPRESENTATIVE LAUDENBERG: Mr. Speaker, I
21 move that we suspend the rules and take up House
22 Resolution 1413.

23 THE SPEAKER: Members you've heard the
24 motion. Is there any objection?

25 The Chair hears none.

1 The Chair lays out HR 1413.

2 The clerk will read the resolution.

3 THE CLERK: HR 1413 by Laudenberg, whereas
4 by winning each of its 40 games in the 2006, 2007 season
5 and capturing the 5-A State Title, the Lady
6 Yellowjackets Basketball Team of Rockwell High School
7 has named a resulted place in the annals of Texas high
8 school sports.

9 And was whereas the culmination of this
10 perfect campaign came with Rockwell's victory over
11 Cy-Fair High School in the state championship game on
12 March 3rd, 2007, a show down that pitted two previously
13 unbeaten schools.

14 At the end of regulation play, the teams
15 were knotted at 48, but with clutch play in the closing
16 minutes of overtime, the Yellowjackets emerged with a
17 59, 54 victory and a legacy that will stand for many
18 years to come.

19 Only six previous girls' teams in Texas
20 have gone unbeaten through an entire season and only two
21 have equaled Rockwell's record of 40 and 0.

22 And whereas Rockwell has been building
23 toward this achievement for several years. The team has
24 reached the regional tournament at Baylor University in
25 each of the past three seasons, winning it twice.

1 In 2006, the Lady Yellowjackets made it all
2 the way to the state championship game but fell to Plano
3 West to finish as runner-up.

4 And whereas in achieving the pinnacle of
5 success in 2007, Rockwell relied on outstanding
6 performances from each member of the team and challenged
7 its opponents with a combination of offensive fire power
8 to tenacious defense and an undeniable will to win.

9 The players were schooled in the finer
10 points of technique and strategy by head coach Jill
11 McDill, who has shaped Rockwell High School into a
12 girls' basketball powerhouse that is poised for further
13 glory.

14 And whereas exhibiting tremendous skill and
15 dedication, the Lady Yellowjackets have established a
16 remarkable record of achievement in Texas high school
17 athletics and won the respect of sports fans throughout
18 the Lone Star State.

19 Now therefore be it resolved that the House
20 of Representatives of 80th Texas Legislature hereby
21 congratulate the Rockwell High School Lady Yellowjackets
22 basketball team on posting a perfect season and winning
23 the Class 5-A State Title and extends best wishes to the
24 players, coaches and staff for future success.

25 And be it further resolved that an official

1 copy of this resolution be prepared for the team as an
2 expression of high regard by the Texas House of
3 Representatives.

4 REPRESENTATIVE LAUDENBERG: I move passage.

5 THE SPEAKER: Members, you heard the
6 motion.

7 Is there an objection?

8 The Chair hears none.

9 Ms. Laudenberg moves to add all members'
10 names.

11 Is there any objection?

12 Hearing none.

13 The motion is granted.

14 The Chair recognizes Ms. Laudenberg.

15 REPRESENTATIVE LAUDENBERG: Members, I am
16 so proud to represent these young women, the Rockwell
17 Lady Yellowjackets for the 2007 5-A Basketball Girls
18 Championship this March, the first title in the teams'
19 history.

20 The girls and this team have been
21 undefeated at home for the last three seasons with an
22 astounding record of 105 wins to 13. This year the Lady
23 Yellowjackets went into the final game against a very
24 formidable opponent, the Houston Cypress Fairbanks with
25 a 39, 0, winning streak.

1 With a grueling, physical fourth quarter,
2 the game went into overtime with the Lady Yellowjackets
3 took the other team in second place and showed why the
4 USA today have named the Lady Yellowjackets the third
5 ranked team in the nation for high school.

6 The final score of the game was 59 to 54,
7 and each member of this team was an integral part of
8 their success.

9 I want to first recognize the girls up in
10 the balcony, the team managers, players and assistant
11 coaches, who gave up time with their friends and family.
12 I asked them how many hours they practiced, and they
13 said they were never at home. All they did was
14 practice.

15 On the dias I am proud to present to you
16 members of the Lady Yellowjackets team: Shelby Addison,
17 a junior guard, who was the leading scorer in the state
18 semi-final; Sunni Saddery, a junior point guard, First
19 Team All District, who lead the Metroplex in assists
20 this year; Avery Alendres and Meredith Gordon, senior
21 guards who have both won Academic All District; Lindsey
22 Rath, a senior who has won Academic All State; Samantha,
23 Slaw, the team's senior, three-year starting guard; Cara
24 Slayton, who is defensive player of the year for the
25 team's district, had nine rebounds and scored nine

1 points in the state's final game and has received a full
2 scholarship to Tulane University; Genevieve Campbell,
3 who scored a team high of 17 points and had seven
4 rebounds and will be on a full scholarship to Texas A&M
5 Commerce; Haley Day, who scored 5 of the 11 points in
6 the overtime, leading to this year's victory and was
7 honored as the game's most valuable player and she's
8 received a full scholarship to SMU.

9 And finally members I would like to
10 acknowledge, head coach, Jill McDill and assistant
11 coach, Casey Reeves, who led this team in their
12 dedication and hard work.

13 We have surely not heard the last of this
14 excellent team. I have a whole new respect for what
15 these girls have achieved.

16 Please join me in honoring the success of
17 the Rockwell Lady Yellowjackets. Thank you.

18 THE SPEAKER: Members, we're back on the
19 bill.

20 The following Amendment.

21 The clerk will read the Amendment.

22 THE CLERK: Amendment by Cochran of
23 Kaufman.

24 THE CHAIR: The Chair recognizes Ms. Brown
25 to explain the Amendment.

1 REPRESENTATIVE BROWN: Mr. Speaker,
2 Members, I have three perfecting Amendments.

3 The first one is just simply to waive the
4 requirements for anyone over 80. If you're over 80,
5 many are voting by mail-in ballot anyway. If there's
6 any reason why they don't have a photo ID, let's just
7 give them the benefit of the doubt.

8 Let's waive all voters over age 80. And it
9 is acceptable to the author.

10 THE SPEAKER: Members, Ms. Brown sends up
11 an Amendment. The Amendment is acceptable to the
12 author.

13 Is there an objection?

14 REPRESENTATIVE BERMAN: Mr. Speaker, will
15 the lady yield?

16 THE SPEAKER: Will the lady yield?

17 REPRESENTATIVE BROWN: Yes. I yield.

18 REPRESENTATIVE BERMAN: Will you go over
19 the Amendment one more time, please?

20 REPRESENTATIVE BROWN: It simply states
21 that voters over the age of 80 would not be required to
22 present a photo ID or two forms of non-photo ID at the
23 polling place if they're over 80.

24 REPRESENTATIVE BERMAN: Thank you.

25 Have we received information from a former

1 republican has passed around the desk here that said his
2 91-year old mother had lost the right to vote?

3 REPRESENTATIVE BROWN: Absolutely. He was
4 concerned that his 91-year old mother, who is an
5 invalid, who is evidently bed-fast, who is still a
6 registered voter, would be disenfranchised from being
7 able to vote.

8 And my bill, HB 218, does not affect her
9 ability to vote because obviously she must have been
10 voting by mail-in ballot.

11 If she can't leave her bed, she certainly
12 hadn't been going to the polling places. I'm very sorry
13 to hear about his mother's condition, but I certainly
14 would not deny her the opportunity and the right to
15 vote.

16 REPRESENTATIVE BERMAN: So even without
17 your Amendment, she was not denied the right to vote --

18 REPRESENTATIVE BROWN: Absolutely not.

19 REPRESENTATIVE BERMAN: Because she has a
20 mail-in ballot, just like every other invalid person
21 does.

22 REPRESENTATIVE BROWN: Absolutely not.

23 REPRESENTATIVE BERMAN: And everyone who is
24 sick. Even if I was home sick at my age, I can still
25 use a mail-in ballot?

1 REPRESENTATIVE BROWN: That's right.

2 REPRESENTATIVE BERMAN: And when I served
3 overseas in Vietnam, I could still use a mail-in ballot?

4 REPRESENTATIVE BROWN: That's right.

5 REPRESENTATIVE BERMAN: Nothing would
6 prevent me from voting; is that correct?

7 REPRESENTATIVE BROWN: This bill is not
8 about denying anyone who is an eligible voter from
9 voting. It's merely to reserve that right for those who
10 are eligible. And this age, it's fair. It's balanced.
11 I just think that we should do this for those people
12 over 80 years old.

13 REPRESENTATIVE BERMAN: And one of these
14 questions Mr. Anchia asked you before -- I think he said
15 there were no prosecutions by the AG's Office. There
16 were actually several prosecutions by the Attorney
17 General's Office.

18 REPRESENTATIVE BROWN: That's right.

19 REPRESENTATIVE BERMAN: However, do you
20 know that the Attorney General cannot prosecute anyone
21 in the state unless it comes from a multi-county area?
22 An election held over a multi-county area?

23 REPRESENTATIVE BROWN: I see.

24 REPRESENTATIVE BERMAN: Most of the larger
25 counties in the state are single county. Like Harris

1 County, like Bexar County, like El Paso County and
2 Dallas County.

3 Did we not receive information from those
4 four counties? --

5 REPRESENTATIVE BROWN: Absolutely.

6 REPRESENTATIVE BERMAN: Of our 4,000
7 fraudulent voters on the election rolls; is that
8 correct?

9 REPRESENTATIVE BROWN: That's right. And
10 in fairness to our Texas electors who are trying to
11 maintain the huge databases, it is an expensive and
12 time-consuming process to try to compare all of these
13 names with driver's license data and with Social
14 Security numbers and so on, to try to prove the ones
15 that actually are existing.

16 And also, against the death records.
17 That's one reason that we have lists that still have
18 thousands of people who are deceased.

19 But this is one very inexpensive way to
20 offset some of the problems with deceased people voting.
21 It's to be able to just simply prove you are who you say
22 you are when you about to the polls to vote.

23 REPRESENTATIVE BERMAN: And I heard some of
24 the dialogue between you and Representative Anchia about
25 a study that was done in New York University.

1 Have you seen that study at all?

2 REPRESENTATIVE BROWN: I think it came in
3 with all the myriad of paper that we had but I didn't
4 study it.

5 REPRESENTATIVE BERMAN: Okay. And if my
6 good friend Representative Anchia asked if you believe
7 in the New York University School of Law. I do, but --

8 REPRESENTATIVE BROWN: Of course.

9 REPRESENTATIVE BERMAN: But I more believe
10 in our Texas Department of Public Safety and the numbers
11 that they're putting out from DPS.

12 REPRESENTATIVE BROWN: My question mainly
13 was: Is this a study of Texas or is this a nationwide
14 study? That's what I was trying to get at.

15 REPRESENTATIVE BERMAN: I think the main
16 point I was trying to make just now is something that
17 you brought out a little quietly. I want to make it
18 very loud.

19 REPRESENTATIVE BROWN: Okay.

20 REPRESENTATIVE BERMAN: There are over 14
21 million driver's licenses in the State of Texas.

22 REPRESENTATIVE BROWN: That's right.

23 REPRESENTATIVE BERMAN: And there are just
24 about 12 million registered voters in the State of
25 Texas.

1 REPRESENTATIVE BROWN: That's right. So
2 there's going to be that many people who don't have a
3 driver's license with a photo ID on it.

4 And by the way, another thing that I may
5 have said, too, quietly, is the fact that 85 percent of
6 Texans old see a need for a photo ID at the polling
7 places. And that was a very recent poll, by the way of
8 Texans.

9 REPRESENTATIVE BERMAN: Now, also, if you
10 don't have a driver's license as many people don't, can
11 you get another form of photo identification from DPS?

12 REPRESENTATIVE BROWN: Oh, absolutely. In
13 fact, you know, we passed a bill out of here not many
14 days ago that had something to do with people after they
15 reached a certain age, and I think we set it at 90,
16 having to be retested for their driver's license.

17 So that makes a statement right there that
18 we have a lot of older people that are still driving
19 have still active. Still have a driver's license to
20 present at the polls.

21 So it's just a lot of older people, and I
22 believe I heard the statement today that 80 is the new
23 65. I love that statement.

24 REPRESENTATIVE BERMAN: I do, too, since
25 I'm 72.

1 Do you think, is it your opinion that if a
2 voter can bring a voter registration card to a polling
3 place, that they could also bring an electric bill or a
4 water bill or something to show that they are the person
5 on the voter registration card?

6 REPRESENTATIVE BROWN: Even a library card
7 will do it. Even a library card is acceptable.

8 REPRESENTATIVE BERMAN: So what else is
9 acceptable?

10 REPRESENTATIVE BROWN: I have a list of 18,
11 I believe, things that are acceptable.

12 And by the way, we found out -- we're
13 talking about the poorer people having a hard time with
14 this. But we found out that the Lone Star Card requires
15 a photo ID to qualify for the Lone Star Card. So that
16 shows right there that people do have to come up with
17 proof of identity.

18 And I have a list here of those things that
19 are acceptable right here.

20 REPRESENTATIVE BERMAN: And what are they?

21 REPRESENTATIVE BROWN: But the photo
22 identification, a driver's license, a photo
23 identification card issued by the Department of Public
24 Safety that has not expired or expired within two years
25 of the date of presentation.

1 U.S. Military identification cards
2 containing the person's photograph. Valid employee
3 identification card containing a person's photograph.
4 U.S. citizenship certificate that contains the person's
5 photograph.

6 U.S. Passport issued to the person.
7 Student identification card issued by a public or
8 private institution of higher education located in Texas
9 that contains the person's photograph or a License to
10 Carry a Concealed Handgun issued by DPS of the non-photo
11 identification allowed, a copy of the current utility
12 bill, bank statement, government check, paycheck or
13 other government document that shows the name and
14 address of the voter.

15 Official mail address to the person by name
16 from a government entity. Certified copy of a birth
17 certificate or other acceptable document confirming
18 birth.

19 U.S. citizenship paper. Original or
20 certified copy of a person's marriage license or Divorce
21 Decree.

22 REPRESENTATIVE BERMAN: So in other words,
23 you can bring in just about anything that's got your
24 name on it to prove that the voter registration card
25 that you have is really you?

1 REPRESENTATIVE BROWN: That's right.

2 REPRESENTATIVE BERMAN: And, Betty, do you
3 remember the documents that I got in the from the
4 Committee on Elections in Harris County that there were
5 over 4,000 people dropped from the list because they
6 were fraudulent my enrolled on the voter registration
7 list?

8 REPRESENTATIVE BROWN: Yes.

9 REPRESENTATIVE BERMAN: Do you know how
10 they were found?

11 REPRESENTATIVE BROWN: I think it was
12 because the address on there was actually outside the
13 county. Was that it?

14 REPRESENTATIVE BERMAN: No. That's not it.

15 REPRESENTATIVE BROWN: Okay.

16 REPRESENTATIVE BERMAN: That's not it.

17 REPRESENTATIVE BROWN: What was it?

18 REPRESENTATIVE BERMAN: The jury pools or
19 the jury summons are taken from voter registration list
20 and it's also taken from driver's license lists.

21 REPRESENTATIVE BROWN: Right. I've heard
22 that happening in my home county.

23 That people show up to vote or they show
24 because they were summoned to jury duty and they say I
25 don't know why I'm here because I'm not a citizen and it

1 turns out that they were on that list.

2 REPRESENTATIVE BERMAN: Actually, they sent
3 back in a card that would incriminate them. They
4 checked a box saying I am not a U.S. citizen and cannot
5 serve on jury duty:

6 Consequently Mr. Betencort --

7 THE SPEAKER: Representative Miller raises
8 the point of order that the gentlelady's time has
9 expired.

10 The point of order is well taken and
11 sustained.

12 REPRESENTATIVE HOCHBERG: Mr. Speaker.

13 THE SPEAKER: Mr. Hochberg, for what
14 purpose?

15 REPRESENTATIVE HOCHBERG: Since Mr. Berman
16 used almost the entire ten minutes, I'd like to move to
17 extend the lady's time.

18 THE SPEAKER: Mr. Hochberg, the lady has
19 yielded the mic.

20 REPRESENTATIVE HOCHBERG: I'm sorry?

21 THE SPEAKER: The lady has yielded the mic.

22 REPRESENTATIVE HOCHBERG: I'm sorry. She
23 called the point of order. Did she yield the floor?

24 THE SPEAKER: She has yielded the floor.

25 REPRESENTATIVE HOCHBERG: Thank you.

1 THE SPEAKER: The following Amendment to
2 the Amendment.

3 The clerk will read the Amendment.

4 THE CLERK: Amendment by Dunnam.

5 THE SPEAKER: The Chair recognizes
6 Mr. Dunnam.

7 REPRESENTATIVE DUNNAM: Thank you,
8 Mr. Speaker. I think we could take after 65, your
9 Social Security check you're eligible.

10 And if you will look at the Social Security
11 card, there is not a photo on the Social Security card.
12 I think we ought to take seniors out of this debate and
13 lower the age to 65.

14 THE SPEAKER: The Chair recognizes
15 Ms. Brown.

16 REPRESENTATIVE BROWN: Mr. Speaker and
17 Members, the way we have the Amendment was set at 80. I
18 think it's very fair and balanced.

19 People 65, you know, that's quite young in
20 this era, and I think there's plenty of ways that we'd
21 provided for people to prove their ID. Let's leave it
22 at 80.

23 And I move to table.

24 REPRESENTATIVE HOCHBERG: Mr. Speaker.

25 THE SPEAKER: Mr. Hochberg, for what

1 purpose?

2 REPRESENTATIVE HOCHBERG: Will the
3 gentlelady yield? Or has she yielded the floor?

4 REPRESENTATIVE BROWN: I'd be happy to
5 yield.

6 REPRESENTATIVE HOCHBERG: First, a couple
7 of questions. I don't know how you set the 80 date in
8 the first place. I don't know how you came up with that
9 number, ma'am, but can you tell me: Did you look at
10 that stack of people who were supposedly deceased who'd
11 had voted?

12 It seems to me an awful lot of those people
13 who apparently voted when they were deceased would have
14 been at a very advanced age -- how many of those people
15 were over 80 in the stack of fraud that you're trying to
16 eliminate?

17 REPRESENTATIVE BROWN: I don't think that
18 has anything to do with setting it at 80 because we
19 passed the bill so that you have to prove who you are
20 who you say you are at the polls.

21 We'll eliminate that loophole so the
22 deceased people will no longer be voting. And I think
23 that will take care of that. I just think the 80 say
24 good, fair and balanced place to set it. People that
25 are over 80 that will no longer be required to present

1 Voter ID.

2 REPRESENTATIVE HOCHBERG: And that's based
3 on?

4 REPRESENTATIVE BROWN: That's based on the
5 expectation for your life expectancy and people have
6 usually slowed down a little bit, even though we have
7 examples of exceptions but people have usually slowed
8 down a little bit by 80.

9 REPRESENTATIVE HOCHBERG: So if they're
10 over 80, they're less likely to commit voter fraud, but
11 they're --

12 REPRESENTATIVE BROWN: They're less likely
13 to still be driving. They're less likely to still have
14 access to photo ID.

15 REPRESENTATIVE HOCHBERG: What about people
16 who are disabled? They're less likely to be driving.

17 REPRESENTATIVE BROWN: But disabled, if
18 they're not driving and not able to get to the polls,
19 not able to go to DPS for a photo ID, as I stated
20 earlier, they will be using a mail-in ballot and this
21 bill doesn't address that.

22 REPRESENTATIVE HOCHBERG: So if you want to
23 commit fraud, you can continue to do it as long as you
24 use a mail-in ballot.

25 How would you know that a person is 80 if

1 they don't have to show you an ID?

2 REPRESENTATIVE BROWN: There's plenty --
3 and I visited with one of the Texas electors. Of
4 course, it's on there, the Voter Registration Card, No.
5 One.

6 Here's my Voter Registration Card right
7 here, and it has my birth date on it.

8 REPRESENTATIVE HOCHBERG: Yes, ma'am.

9 REPRESENTATIVE BROWN: So if you're a
10 registered voter, more than likely, they can prove this
11 and show their age.

12 REPRESENTATIVE HOCHBERG: Ma'am --

13 REPRESENTATIVE BROWN: If there's suspicion
14 that they're not of that age, there are ways -- the
15 elections officials do have some authority to question
16 that voter as I was assured by an elections
17 administrator today.

18 REPRESENTATIVE HOCHBERG: Ma'am, are you
19 aware that people who registered to vote a long time ago
20 do not necessarily have their ages on their Voter
21 Registration Card because it was not required many years
22 ago?

23 REPRESENTATIVE BROWN: That was also
24 discuss brought up and we discussed it, I think by 1972,
25 there was the requirement that people had to -- those

1 birth dates had to be entered in. --

2 REPRESENTATIVE HOCHBERG: So anybody who
3 registered earlier than that do not have to have their
4 birthdays in there and those would have to be exactly
5 the people that you're talking about?

6 So I ask you again: How do you know
7 they're 80?

8 REPRESENTATIVE BROWN: Well, and I do have
9 to go all through this again: There are many ways and
10 if there's suspicion that they are at that age, then
11 there's some authority from the elections administrator
12 to question that vote.

13 REPRESENTATIVE HOCHBERG: Let me ask you
14 one other question while I have the opportunity of being
15 at the mic, and that is that you referred to the
16 interview between Mr. Baker, Mr. Carter and I believe
17 Margaret Warner of the News Hour earlier when you were
18 talking about what they had said.

19 I have a copy of that interview in front of
20 me. And in that interview, Mr. Baker said that the
21 recommendations tie Voter ID to registration.

22 So the implication that clearly what he was
23 saying is under his system, anybody with a Voter ID
24 card, which would of course be the driver's license
25 under the Real ID Act would be able to vote without

1 having to register for a separate card.

2 Is there an Amendment that you're planning
3 to offer later to be consistent with Mr. Baker's
4 recommendation that if you had -- that you do not have
5 to further register separately from the driver's license
6 that you would require people to show.

7 Are you avoiding that part of the
8 recommendation in favor of just this one?

9 REPRESENTATIVE BROWN: Well, I'm not
10 avoiding that part of the recommendation. It's just
11 that the Real ID Act is in the process right now and
12 it's supposed to be implementing. But there has also
13 been a push to move that date out.

14 And in the meantime we need to be having
15 people prove they are who they say they are at the
16 polls. I'm not trying to avoid that. It's just not
17 part of this bill. You know --

18 REPRESENTATIVE HOCHBERG: But, ma'am, the
19 recommendation of the committee has stated in that
20 interview that you carefully read is this be implemented
21 once the Real ID Act is in effect that was designed to
22 tie to it.

23 And so if you're waiting for the Real ID
24 Act in order to implement some of the recommendations,
25 why would you not wait for the Real ID Act in order to

1 implement them all?

2 REPRESENTATIVE BROWN: We are addressing
3 one problem at a time. Okay?

4 We see this as a problem have we see
5 something that is, we feel, is easily addressed and it's
6 something that we can correct, and close this loophole
7 and have fair elections.

8 It's also about the integrity of the
9 process. That's all it's about.

10 REPRESENTATIVE HOCHBERG: Thank you, ma'am.

11 REPRESENTATIVE BROWN: The integrity of the
12 process. As people are more and more disillusioned with
13 the integrity of the process, we have less
14 participation.

15 And in a number of states, as they have
16 tightened up on their requirements to be able to vote,
17 they have had greater participation. And that's what we
18 hope for.

19 THE SPEAKER: The Chair recognizes
20 Mr. Herrero for an introduction.

21 REPRESENTATIVE HERRERO: Thank you,
22 Mr. Speaker, I'm joined by my colleagues, Mr. Ortiz,
23 representative Garcia in welcoming some high school
24 students from Corpus Christi.

25 They are attending Miller High School and

1 obviously they're here seeing the House Floor debate.

2 Along with them we have members of LULAK
3 that are being here as sponsors, as I call your name
4 they're sitting to my left, which is the northwest side
5 of the gallery. As I call your name, please stand up.

6 Tony Jimenez Jr., with LULAK, Raymundo Vaya
7 with LULAK. They have along with them members from
8 Miller High School staff, Ms. Wendy Aycox, Brad Martin,
9 John Meadows, Minerva Perez, Diane McCarty, Shelly
10 McCarty, and 42 proud Miller students from Corpus
11 Christi High School.

12 Help join me and welcome them to the
13 capitol.

14 THE SPEAKER: The Chair recognizes
15 Mr. Gallego for an introduction.

16 REPRESENTATIVE GALLEGO: Mr. Chairman, will
17 the gentleman yield?

18 THE SPEAKER: Yes.

19 REPRESENTATIVE GALLEGO: Thank you,
20 Mr. Speaker. I appreciate the opportunity to introduce
21 some guests who are here.

22 Members, you all may have read or seen a
23 lot of publicity lately on the Lone Star Fugitive Task
24 Force that has been set it up. Actually it's made up of
25 about 30 different agencies, local, district and state

1 agencies around the state.

2 The goal is to make sure that repeat and
3 violent offenders who are fugitives who are brought to
4 justice.

5 We have several members of the task force
6 here in the gallery today. In the east gallery, the
7 U.S. Marshall Lafayette Collins, Chief Deputy, John
8 Butler, and a colleague of mine, the Sheriff of Uvalde
9 County, Sheriff Cherry Crawford.

10 And all the members of the task force, if
11 you will please stand and be recognized. Welcome to the
12 Texas House of Representatives. And thank you for your
13 service, not only to law enforcement but to all of us
14 here in the state. Thank you.

15 THE CHAIR: Mr. Jackson, for what purpose?

16 REPRESENTATIVE JACKSON: I'm waiting for
17 Mr. Dunnam.

18 THE SPEAKER: Dunnam to close on his
19 Amendment to the Amendment.

20 REPRESENTATIVE JACKSON: I have to admit
21 I'm a little perplexed by the 65. I'm way over 65, and
22 I don't have a foot in the grave yet, and I --

23 REPRESENTATIVE DUNNAM: Good for you.

24 REPRESENTATIVE JACKSON: And I just don't
25 know many people at my age who do.

1 And you know, when Representative Brown
2 brought forth the 80, but where in the world about did
3 you get 65?

4 REPRESENTATIVE DUNNAM: I think that's the
5 universal retirement age, when people understand that
6 they're going to retire and when they're going to go
7 about business. Where did they get 80 in I don't
8 understand where did they get 80? Why not 79? 78?

9 REPRESENTATIVE JACKSON: I think that may
10 have used to have been the universal retirement age but
11 the universal retirement age for those of us today is
12 something over 65.

13 REPRESENTATIVE DUNNAM: Well, sorry.

14 REPRESENTATIVE JACKSON: And, you know, I
15 still have a driver's license. I still got most of my
16 teeth.

17 REPRESENTATIVE DUNNAM: Good question.

18 REPRESENTATIVE JACKSON: I just wondered
19 how you got 65.

20 REPRESENTATIVE DUNNAM: That has been
21 traditionally, people in the United States of America
22 have been understood to retire, and at 65 people are
23 eligible to draw their Social Security and you can draw
24 your Social Security without a photo ID.

25 There's not a photo on your Social Security

1 card: And I think we ought to take seniors out of this
2 issue. We shouldn't have it to where a senior is not
3 allowed to vote because they left their Voter ID card at
4 home or they don't have two photo IDs or they don't have
5 two regular IDs.

6 Why are we hassling seniors with this?

7 REPRESENTATIVE JACKSON: It seems to me
8 like you just have a lot smaller expectations for people
9 my age than I do.

10 REPRESENTATIVE DUNNAM: No. I don't. I
11 just don't know why we're hassling them. I mean, AARP
12 is against this bill and I think they're a very
13 responsible organization and reasonable organization.

14 This is not about people being too decrepit
15 to vote. This is not people not being interfered with
16 when it's in their constitutional right.

17 REPRESENTATIVE JACKSON: We still get to
18 vote but, Mr. Dunnam, tell me, just for -- if we were to
19 vote for your Amendment, will you support the bill?

20 REPRESENTATIVE DUNNAM: This bill, no. No.
21 I'm not going to do that because I don't think we should
22 be hassling young people. I don't think we should be
23 hassling minorities, and I don't think we should have
24 people that are covered under the Voting Rights Act.

25 I think we should make it easier for people

1 to vote. Not harder for people to vote. I think we
2 should have election day registration. Same-day
3 registration.

4 I think we should had do everything we can
5 to let people be franchised in voting and participating
6 in road blocks that make people either unable to vote or
7 hesitant to vote or intimidated against voting. That's
8 what I believe.

9 But, you know, if we want to put some icing
10 on the pig, this is the way to do it. And let's get
11 seniors out of the deal. Let's get the seniors off this
12 debate.

13 REPRESENTATIVE JACKSON: Well, this senior
14 is or is not off this debate. This senior believes that
15 we should be full participants in the process and do all
16 the things other people have to do in order to vote and
17 not vote fraudulently.

18 REPRESENTATIVE DUNNAM: Well, I'm sorry you
19 feel that way.

20 But I'll tell you over half the people I
21 represent are protected by the Voting Rights Act because
22 they've historically had their voting rights suppressed
23 for years and decades.

24 And for us to do anything that makes it
25 more difficult for anybody in any system in the United

1 States to vote is reprehensible.

2 REPRESENTATIVE GONZALES: Mr. Speaker.

3 THE SPEAKER: For what purpose,
4 Ms. Gonzales?

5 REPRESENTATIVE GONZALES: Would the
6 gentleman yield for a question?

7 THE SPEAKER: Would the gentleman yield?

8 REPRESENTATIVE DUNNAM: Yes.

9 THE SPEAKER: The gentleman yields.

10 REPRESENTATIVE GONZALES: Representative
11 Dunnam, did you see the studies from the Brennan Center
12 that said that about 6 million of American citizens did
13 not have any current government issued photo
14 identification?

15 REPRESENTATIVE DUNNAM: I haven't but that
16 would not surprise me at all.

17 REPRESENTATIVE GONZALES: And so what your
18 Amendment is trying to do is saying that if you've
19 reached that age, that we don't want to keep you from
20 voting. We don't want to keep anybody from voting; is
21 that right?

22 REPRESENTATIVE DUNNAM: I think that's true
23 and we should take retired Texans out of this debate.
24 And let's have the debate about everybody else, if
25 that's what we want to do but let's take the retired

1 Texans off this issue.

2 REPRESENTATIVE GONZALES: Did you see the
3 studies that showed, actually in Texas, when it comes to
4 all the states in the nation, we are one of the worse
5 when it comes to the percentage of turn-out of voting
6 age population?

7 REPRESENTATIVE DUNNAM: That doesn't
8 surprise me at all.

9 I know that in the districts that I studied
10 and followed, turn-out is low and I think that's because
11 we make it difficult for people to vote. We should make
12 it easier for people to vote. We should allow people to
13 show up on election day, register and vote.

14 REPRESENTATIVE GONZALES: I live right on
15 the border. Were you aware that in Mexico, they shut
16 down businesses, they shut down the day to make it
17 easier for people to go out and vote.

18 REPRESENTATIVE DUNNAM: And I believe that.
19 Maybe Mr. Martinez-Fischer, someone has a bill to make
20 election day a state holiday so that people will get off
21 and be able to go vote and they won't have to work 9:00
22 to 5:00 that day and possibly be unable to get to the
23 polls because of traffic and having to work late and
24 things like that.

25 REPRESENTATIVE GONZALES: So your bill is

1 attempting to not discriminate against seniors; is that
2 right?

3 REPRESENTATIVE DUNNAM: Obviously people
4 agree that at some age we shouldn't have to supply to
5 our seniors. And I believe that the only logical
6 Amendment, and Ms. Brown has said 80, and I believe that
7 the logical age -- if we're going to exclude seniors, we
8 ought to take the traditional retirement age that we've
9 grown up and understood in the United States as 65 -- I
10 should have put 62, because you can start drawing Social
11 Security benefits at 62. You could have done 67 because
12 there are other rules that allow drawing at 67.

13 But 65 is the traditional retirement age in
14 the United States.

15 REPRESENTATIVE GONZALES: And there should
16 be some benefits to turning 65, shouldn't there?

17 REPRESENTATIVE DUNNAM: I think there
18 should be. If you could purchase tickets to the movie,
19 why can't you just vote?

20 REPRESENTATIVE GONZALES: That's right.
21 You have a good Amendment thank you.

22 REPRESENTATIVE DUNNAM: Thank you.

23 THE SPEAKER: Ms. Riddle.

24 REPRESENTATIVE RIDDLE: Mr. Speaker, would
25 the gentleman please yield.

1 THE SPEAKER: Mr. Dunnam, do you yield?

2 REPRESENTATIVE DUNNAM: Yes, sir.

3 THE SPEAKER: The gentleman yields.

4 REPRESENTATIVE RIDDLE: Representative
5 Dunnam, have you noticed, have you flown lately in an
6 airport or anything like that?

7 REPRESENTATIVE DUNNAM: I have flown, yes.

8 REPRESENTATIVE RIDDLE: And have you not
9 noticed the numbers of elderly and retired people at the
10 airport that are flying these days?

11 REPRESENTATIVE DUNNAM: I haven't noticed
12 that in particular.

13 REPRESENTATIVE RIDDLE: Well --

14 REPRESENTATIVE DUNNAM: There's folks
15 flying but there's always been folks flying.

16 REPRESENTATIVE RIDDLE: It's always crowded
17 and there's always a lot of retired folks there.

18 Are you aware that in order to board an
19 airplane or go in a federal building or do a number of
20 other things, that the elderly have to have ID?

21 REPRESENTATIVE DUNNAM: I think that's
22 right. They also have to take their shoes off, but we
23 probably shouldn't have them have to take their shoes
24 off to vote.

25 REPRESENTATIVE RIDDLE: Well, Voter ID is

1 there for a reason. The purpose of having an
2 identification is there for a reason.

3 REPRESENTATIVE DUNNAM: But they have an
4 identification. This is someone that has shown up with
5 a Voter ID card that has their name and their address on
6 it and the government has sent them that document. And
7 that document says that they're entitled to vote at that
8 precinct.

9 So why should we turn them away because
10 they left their driver's license at home? And they're
11 also on the voter role? And there's a place that you
12 vote that put a stamp by your name. So they know if you
13 voted already.

14 So if somebody shows up again with another
15 Voter ID card or a different ID and tries to vote
16 understand Mary Brown's name, they'll see she's already
17 voted and they're not going to let them vote.

18 So I don't understand what the problem is
19 in terms of the real debate.

20 REPRESENTATIVE RIDDLE: Well, I just wanted
21 to draw a parallel.

22 But even to fly a plane, regardless of your
23 age, unless you're an infant or a child, you have to
24 have Voter ID.

25 REPRESENTATIVE: You have to have a Voter

1 ID to fly a plane?

2 REPRESENTATIVE RIDDLE: Not Voter ID. An
3 identification.

4 REPRESENTATIVE DUNNAM: But these people
5 have been given this on a document by the State of Texas
6 saying you are entitled to vote and they show up with
7 that document and that document matches a list that the
8 voter registrar has.

9 They compare it and we're going to say,
10 yeah, but we're not going to let you vote unless you
11 have two other IDs. That's insanity. Why are we going
12 to do that in the United States?

13 REPRESENTATIVE RIDDLE: Because we have had
14 issues regarding fraud and we want to --

15 REPRESENTATIVE DUNNAM: Where?

16 REPRESENTATIVE RIDDLE: Well, you are
17 aware, I'm sure --

18 REPRESENTATIVE DUNNAM: Where?

19 REPRESENTATIVE RIDDLE: About 4,000 were
20 taken off of the voter rolls because they were not
21 citizens in Harris County alone. Are you aware of that?

22 REPRESENTATIVE DUNNAM: Well, your voter
23 registrar did a good job then.

24 REPRESENTATIVE RIDDLE: Yes, he did do a
25 good job.

1 There was about 4,000. And so, yes.

2 REPRESENTATIVE: I'm actually proud of
3 that.

4 REPRESENTATIVE RIDDLE: Did someone mention
5 about how they try to make it easier in Mexico to vote?

6 REPRESENTATIVE DUNNAM: Pardon me?

7 REPRESENTATIVE RIDDLE: Did someone mention
8 just a minute ago --

9 REPRESENTATIVE DUNNAM: Someone did.

10 REPRESENTATIVE RIDDLE: And what did they
11 have to say?

12 REPRESENTATIVE DUNNAM: They might have
13 said that you can register that same day. I don't
14 remember.

15 I haven't been to Mexico since I was like
16 in college and I don't remember much of that trip.

17 REPRESENTATIVE RIDDLE: Are you aware that
18 Mexico has developed an elaborate system of safeguards
19 to prevent voter fraud?

20 REPRESENTATIVE RIDDLE: I'm sorry?

21 REPRESENTATIVE DUNNAM: They have real ID.
22 They show their ID and they get to vote.

23 REPRESENTATIVE RIDDLE: Well --

24 REPRESENTATIVE DUNNAM: And we're going to
25 make them show a voter registration card that matches

1 another document and another photo ID or two photo IDs.
2 So I guess does that mean you can show them your Best
3 Buy card and your Sears card?

4 REPRESENTATIVE RIDDLE: Well in Mexico they
5 do have to show ID and then after voting, after they
6 cast their ballot, do you know what they have to do
7 after that?

8 REPRESENTATIVE DUNNAM: I don't know.

9 REPRESENTATIVE RIDDLE: From what I have
10 been --

11 THE SPEAKER: Mr. Smith raises the point of
12 order.

13 The gentleman's time has expired.

14 The point of order is well taken and
15 sustained.

16 REPRESENTATIVE DUNNAM: Members, I would
17 ask that you vote no on the motion to table and let's
18 take folks over 65 out of this issue.

19 THE SPEAKER: Members, Mr. Dunnam sends up
20 an Amendment. Ms. Brown moves to table.

21 All those in favor of the Motion to table
22 vote aye. Opposed vote no.

23 Clerk ring the bell. It's a record vote.

24 Show Ms. Brown voting aye. Show Mr. Dunnam
25 voting no.

1 Have all voted?

2 There being 71 ayes, 68 nays, one present
3 and not voting, the motion to table prevails.

4 Mr. Dunnam has asked for a verification,
5 Members if you'll take your seats, we can move along
6 with the verification faster.

7 The clerk will proceed with calling the aye
8 votes.

9 THE CLERK: Anderson? Aycock. Berman.
10 Bohac. Bonnen. Branch. Brown of Kaufmann. Brown of
11 Brazos. Callegari. Chisum. Christian. Cook of
12 Navarro. Craddick. Crownover. Darby. Davis of
13 Harris. Delisi. Driver. Eissler. Eiland?

14 Is Mr. Eissler on the floor of the House?

15 THE SPEAKER: Strike his name temporarily.

16 THE CLERK: Elkins. Flynn. Gattis.
17 Goolsby. Haggerty. Hancock. Hardcastle. Harless.
18 Harper-Brown. Hartnett. Hartnett?

19 THE SPEAKER: Mr. Hartnett on the floor of
20 the House?

21 Strike his name temporarily.

22 THE CLERK: Hilderbran. Hill. Howard of
23 Fort Bend. Howard of Fort Bend. Hughes. Isaac.
24 Jackson. Keffer. King of Parker. King of Taylor.
25 Kolkhorst. Kuempel. Latham. Latham.

1 THE SPEAKER: Is Mr. Latham on the floor of
2 the House?

3 Strike his name temporarily.

4 THE CLERK: Laubenberg. Macias. Madden.
5 McCall. Miller. Morrison. Mallory. Murphy. O'Day.
6 Orr. Otto. Parker. Patrick. Paxton. Phillips.
7 Pitts. Riddle. Smith of Harris. Smithee. Straus.
8 Swinford. Talton. Taylor. Truitt. Van Arsdale.
9 West. Wooley. Zedler. Zerwas.

10 THE SPEAKER: Clerk, proceed to calling the
11 no vote.

12 THE CLERK: Allen. Alonzo. Anchia.
13 Bailey. Bolton. Burnam. Castro. Chavez. Cohen.
14 Coleman. Cook of Colorado. Davis of Dallas. Deshotel.
15 Dukes. Dunnam. Dutton. Eiland. England. Escobar.
16 Farabee. Farrar. Frost. Gallego. Garcia. Geren.
17 Giddings. Gonzales. Gonzalez Toureilles. Guillen.
18 Hamilton. Heflen. Hernandez. Herrero. Hochberg.
19 Hodge. Homer. Hopson. Howard of Travis. King of
20 Zavala. Krusee. Leibowitz. Lucio. Mallory-Caraway.
21 Martinez. Martinez-Fischer. McClendon. Mendendez.
22 Merritt. Miles. Naishtat. Noriega. Olivera. Olivo.
23 Ortiz. Pickett. Puente. Quintana. Raymond. Ritter.
24 Rodriguez. Rose. Smith of Tarrant. Strama. Thompson.
25 Turner. Truitt. Vaught. Villarreal. Vo.

1 THE SPEAKER: Mr. Eissler on the floor of
2 the House? Verify Mr. Eissler? Mr. Hartnett on the
3 floor of the House in verify Mr. Hartnett?

4 Mr. Latham on the floor of the House?
5 Verify Mr. Latham.

6 Members, the following members were present
7 voting aye but their machines malfunctioned, show them
8 voting ayes, Creighton. Solomons. The following
9 members but their machines malfunctioned. Veasey,
10 McReynolds, Pearson, and Farias.

11 The Chair announced the signing of the
12 following in the presence of the House.

13 THE CLERK: SB 192. SB 325, SB 507, SB844,
14 SCR 50.

15 THE SPEAKER: Members, there being 73 ayes
16 and 72 nays, the motion to table prevails.

17 THE CHAIR: The Chair lays out HB 1529
18 which was previously adopted.

19 The clerk will read the resolution in full.

20 THE CLERK: Here 1529 by Golsby. Whereas
21 Kenneth Ardoin with dedication and integrity and more
22 for more than 50 decades, and whereas Mr. Ardoin began
23 his notable career with Pfizer in 1965 as a
24 pharmaceutical sales representative and district
25 hospital manager, he was soon promoted to district

1 manager of the Chicago and Dallas district, serving with
2 distinction in this role when he joined the state
3 government relations division.

4 And whereas for 26 years, Mr. Ardoin worked
5 distinctively throughout the southwestern United States.
6 In 2001 he was named senior director of government
7 relations in public affairs and in this position he
8 supervised legislative and regulatory activity for
9 Pfizer's central region in the State of Texas.

10 And whereas Mr. Ardoin has shared his
11 professional expertise with a number of policy groups,
12 including the Texas drug utilization review board,
13 recently elected to the Executive Board of Directors of
14 the American Legislative Exchange Counsel. He has
15 further served as State Chairman in Texas and Louisiana
16 of the pharmaceutical research and manufacturers of
17 America.

18 And on the Board of Directors of the Texas
19 Civil Justice League and the Texas Bioscience Institute;
20 and whereas he has also served as a leader in his
21 community. An active member of the Rotary Club, the All
22 Saints Men's Club and the Flower Mound Summit Club.

23 He has served on the University
24 Interscholastic League Athletic Advisory Committee as
25 well, and served as the voice of the Flower Mound High

1 School Jaguars.

2 And whereas in 2007 Mr. Ardoin's career
3 will take a new direction when he joins his Alma matter,
4 the University of Louisiana at Lafayette, where he will
5 oversee external relations; and whereas Kenneth Ardoin
6 has earned the lasting respect of many with Pfizer.

7 He leaves the company with a legacy of
8 professionalism and a host of colleagues who wish him
9 the best as he embarks on a new chapter in his life.

10 Now therefore be it resolved that the House
11 of Representatives of the 80th Texas Legislature hereby
12 honor Kenneth A. Ardoin for his 42 years of service to
13 Pfizer in extending him sincere best wishes for
14 continued success.

15 And be it further resolved that an official
16 copy of this resolution be prepared for Mr. Ardoin as an
17 expression of high regard by the Texas House of
18 Representatives.

19 THE SPEAKER: The Chair recognizes
20 Mr. Golsby.

21 REPRESENTATIVE GOSLBY: Thank you,
22 Mr. Speaker and Members.

23 Ken has been a long time friend of our
24 family for more than 30 years. And just to tell you a
25 few things that you don't know and it wasn't in this

1 resolution, is that he spent more than 40 years with
2 Pfizer, in fact, the only job he ever had. He got there
3 and couldn't get loose. He served in many of the civic
4 organizations out in North Dallas and he called the ball
5 games at J.J. Pierce and Flower Mound High School.

6 Ken has worked real hard in getting me
7 elected my first time. In fact, he decided that he
8 needed to make a living and he didn't want to come down
9 here.

10 So at this time, I'm going to let
11 Ms. Truitt who has also the author of this co-author of
12 this resolution, make some comments.

13 THE SPEAKER: The chair recognizes
14 Mrs. Truitt.

15 REPRESENTATIVE TRUITT: Thank you,
16 Mr. Speaker, Members, I probably a good number of us in
17 this body know Ken Ardoin, and of course Pfizer, a lot
18 of their employees, their Texas presence is in my
19 district.

20 And Ken, unfortunately lives just outside
21 my district.

22 But nonetheless, he is a great friend and
23 this state is losing not only an outstanding individual,
24 but one whale of a cook.

25 So Ken, best wishes to you and all your

1 future endeavors and we are going to miss you like
2 crazy.

3 THE SPEAKER: The Chair recognizes
4 Mr. Golsby.

5 REPRESENTATIVE GOLSBY: And I failed to
6 mention what a great cajun cook he is, and he's really
7 going to be missed there.

8 But Ken is now going to start a new career.
9 He's going back to his Alma matter, he's going back to
10 the University of Louisiana at Lafayette, where he will
11 become the Director of External Relations.

12 And it wouldn't surprise me that he
13 continues to lobby for his Alma matter at the Louisiana
14 legislature.

15 And I've forgot to mention this, so Hardy
16 Hildenbrand is going to have a fit. That's his
17 fraternity brother.

18 Let me introduce at this time, Ken, would
19 you raise your hand.

20 With Ken is his daughter Michelle. Also
21 his son Scott and his wife Holly. And also his brother
22 Dave.

23 Welcome to the House and come back to see
24 us, Ken.

25 THE SPEAKER: The following Amendment to

1 the Amendment, the clerk will read the Amendment.

2 Mr. Leibowitz.

3 THE CLERK: Amendment by Leibowitz.

4 THE SPEAKER: Mr. Leibowitz to explain the
5 Amendment to the Amendment.

6 REPRESENTATIVE LEIBOWITZ: Thank you, Mr.
7 Speaker, Members, this Amendment just brings the 80 age
8 requirement down to 75. It brings it down to 75. I
9 figure if you've lived for three quarters' of a century,
10 then you don't really have to be obligated to prove
11 yourself to anyone or anybody.

12 And consequently I'm asking that those of
13 -- those Texans who are over the age of 75 be given the
14 respect and the deference that they deserve by not
15 having to change this approach in the later years of
16 their lives.

17 I move adoption.

18 THE SPEAKER: The Chair recognizes Ms.
19 Brown.

20 REPRESENTATIVE BROWN: Mr. Speaker,
21 Members, I still think that the 80 age is a very fair
22 and balanced approach to this. You know, I really think
23 if we were going to compromise, we would have gone the
24 other direction and had it been in conjunction with the
25 other bill. When we voted it out here that at age 90,

1 you would have to undergo further testing so that you
2 could renew your driver's license.

3 I think that we have given plenty of
4 reasons why 80 is a good age. You know, if we say 75,
5 then why not 70? Of course, we've already ruled out 65.

6 Why would we compromise on that? I think
7 80 is a good age to set it. Where you know longer have
8 to show your voter fraud. So I move to table.

9 THE SPEAKER: For what purpose?

10 REPRESENTATIVE CHAVEZ: Will the gentlelady
11 yield for a question?

12 THE SPEAKER: Will you yield?

13 REPRESENTATIVE BROWN: I'd be happy to.

14 THE SPEAKER: The lady yields.

15 REPRESENTATIVE CHAVEZ: Thank you so much,
16 Betty, I was at six elderly nutrition centers in my
17 district, seven senior services centers in any Chavez.
18 And a lot of nursing homes so I have a lot of elderly
19 people in my district, between 65, 80 and older, 90,
20 whatever.

21 And so I think that Representative Dunnam's
22 Amendment is a good Amendment. And let me explain to
23 you why.

24 Because in Hispanic borderland Texas, which
25 is predominantly Hispanic elderly, especially my

1 district. I represent the highest urban district with
2 over 90 percent Hispanic residents and voters is in any
3 district. Okay?

4 So many of these elderly people haven't
5 driven in 10, 15 years. So they don't have a driver's
6 license. Okay? They don't have a photo ID.

7 And so they go from the nutrition center
8 that is in the senior part of the center in the city of
9 El Paso Senior Center, as well as the basketball courts
10 and all that.

11 And then they go into another room, they
12 walk from their food and then they walk over to go vote.
13 Okay?

14 So I can tell you this: Many of them have
15 no form of photo ID. Many of them will not even have
16 their birth certificates because they might have a
17 baptismal certificate.

18 REPRESENTATIVE BROWN: I understand.

19 REPRESENTATIVE CHAVEZ: Many of them have
20 become citizens in the last 40 years so they don't have
21 a passport. And so your bill is going to significantly
22 impact Latino voter participation, especially with older
23 people.

24 So explain to me how you expect eight -- I
25 mean, why you think that 65 is not a fair age for people

1 like that? It's been 20 years --

2 REPRESENTATIVE BROWN: We're not talking
3 about 65 right now.

4 REPRESENTATIVE CHAVEZ: Well, on his
5 Amendment we are.

6 REPRESENTATIVE BROWN: Okay. We are.
7 Right. Okay. I thought you were talking about 65.

8 REPRESENTATIVE CHAVEZ: Yeah.

9 REPRESENTATIVE BROWN: I thought someone
10 had brought forward a 75.

11 REPRESENTATIVE CHAVEZ: Okay. Leibowitz is
12 75 now.

13 REPRESENTATIVE BROWN: Okay. 65 is off the
14 table. Now we're talking about 75.

15 I guess my question to you is: How we're
16 going to take care of all these older people that are in
17 these facilities that you're talking about.

18 REPRESENTATIVE CHAVEZ: How are they?

19 REPRESENTATIVE BROWN: Are they all of that
20 age? Are they all over 75?

21 REPRESENTATIVE CHAVEZ: No. They're all
22 over 65. To be eligible for this nutrition program, I
23 believe you have to be 62.

24 REPRESENTATIVE BROWN: Are they on
25 Medicaid?

1 REPRESENTATIVE CHAVEZ: Some of them.

2 REPRESENTATIVE BROWN: How did they get on
3 Medicaid without presenting a photo ID?

4 REPRESENTATIVE CHAVEZ: They have been on
5 Medicaid for many, many years. They might have a
6 Medicaid photo ID and I know that that's one of the
7 forms of documentation that's acceptable.

8 Some of them do not have that. How do you
9 expect -- I mean, you are causing a huge issue for
10 people who have been citizens, good standing citizens,
11 people who have not been afraid to participate in the
12 political process.

13 This kind of legislation prevents them from
14 voting because they've never had to present. They've
15 never had to present a photo ID. All they had was their
16 vote caused card.

17 Would you accept that someone has presented
18 in the last ten years -- would you accept that if
19 someone presented that they didn't need a photo ID?

20 REPRESENTATIVE BROWN: I think that you say
21 they do have a voter registration card?

22 REPRESENTATIVE CHAVEZ: Yes. They've been
23 registered forever.

24 REPRESENTATIVE BROWN: Okay. That could be
25 one form of their non-photo ID. I believe that if

1 they're in a facility like this, they have assets access
2 to some other form of non-photo ID.

3 REPRESENTATIVE CHAVEZ: Okay. What kind of
4 voter education are you going to do in this bill that's
5 going to tell every senior citizen the new law and what
6 they are going to be required to do and what are
7 eligible documents that are going to be acceptable?

8 REPRESENTATIVE BROWN: That's a very good
9 question and I'm so glad that you brought it up because
10 I had a conversation with the Secretary of State this
11 morning about all of the different possibilities for
12 getting the word out and there are numerous ways that we
13 can pursue that would be very cost effective because
14 mailings are already going out.

15 And one of them, of course, is just when
16 you send out the Voter Registration Card, that there
17 could be a notification in there, that next time they
18 vote that, they have to present a photo ID or two forms
19 of non-photo ID and all of those could be listed.

20 Also, this doesn't bear on the older
21 people, but I found out that the Secretary of State
22 makes it a practice to send out a Voter Registration
23 Card and a letter to every graduating senior in the
24 state. So that's another way that it would be very easy
25 to insert that information about the photo ID

1 requirements.

2 There's numerous ways, and when they
3 actually -- on the Voter Registration Card itself, it
4 discuss ways to put photo ID required on that.

5 REPRESENTATIVE CHAVEZ: I think you're
6 turning back the clock of time. We're going back to the
7 Coleman cold tax area.

8 REPRESENTATIVE BROWN: We are absolutely
9 will not.

10 REPRESENTATIVE CHAVEZ: The laws with this
11 legislation -- you are going to impact specifically
12 Latino voter participation with voter legislation.

13 REPRESENTATIVE BROWN: This is about the
14 integrity of the voting process. And that's all it's
15 about.

16 REPRESENTATIVE CHAVEZ: You cannot provide
17 the evidence, Betty?

18 REPRESENTATIVE BROWN: We've already did
19 that.

20 REPRESENTATIVE CHAVEZ: That there's masses
21 of people going out and saying that they're someone when
22 they're not. You can't give the evidence. It's not
23 there. People are not going out and illegally voting in
24 the numbers that you say they are. They're not.

25 REPRESENTATIVE BROWN: Are you just

1 refusing to admit that we have all of these people that
2 are on the polls that are deceased that are still voting
3 that case after case after case, people not only vote
4 once about you they continue to vote?

5 REPRESENTATIVE CHAVEZ: Well, I think that
6 75 is better, 65 would have been better, and I think
7 that your legislation is going to cause a deep cut into
8 Latino voter participation of elderly citizens of this
9 state.

10 And for that reason alone, I oppose it.

11 REPRESENTATIVE BROWN: The intent of our
12 bill is to increase the integrity of the voting process
13 and thereby to increase confidence that every persons'
14 vote will count.

15 One man, one vote is what we've stood
16 behind for a long time and we need to make it effective.

17 Move to table the Amendment, Members.

18 THE SPEAKER: The Chair recognizes
19 Mr. Leibowitz to close on this Amendment.

20 REPRESENTATIVE LEIBOWITZ: Thank you,
21 Mr. Speaker.

22 Members the, last vote on the 65 and older
23 was 73 to 72. And I think that there's, at least, one
24 of you good people out there that is going to exercise
25 the commonsense to cross over to the side of the light

1 and vote not to table this Amendment, which says if
2 you're 75 years of age or older, you've lived three
3 quarters of a century, then you don't have to change the
4 way you've been doing it all this time and you don't
5 have to -- the rules aren't going to be changed for you
6 in the middle of a game and you're not going to go to
7 the polls, possibly with some health problems and be
8 able to make it one time, and then be turned away and be
9 sent back home to find some sort of an ID that you were
10 never required to come back with in the previous, what?
11 50 some odd years of voting.

12 And that's what I'm asking. I'm asking
13 that we exempt those folks that are 75 years of age or
14 over from something to change the rules in the middle of
15 the game. And I ask you to vote against the motion to
16 table.

17 THE SPEAKER: Members, Mr. Leibowitz sends
18 up an Amendment. Ms. Brown moves to table.

19 All those in favor to vote in favor of the
20 motion vote aye. All those opposed vote no. It's a
21 record vote.

22 The clerk will ring the bell.

23 Show Mr. Ms. Brown voting aye. Show
24 Mr. Leibowitz voting no. Show Mr. Anchia voting no.

25 Have all voted?

1 There being 73 ayes, 69 nays, one present
2 not voting, the motion to table prevails.

3 THE SPEAKER: The following Amendment.

4 The clerk will read the Amendment.

5 Members, Mr. Leibowitz wants to verify the
6 last votes. If you'll take your seats, Members. Okay.
7 Members, if you'll take your seats, then we can start
8 the verification.

9 Members the verification request has been
10 withdrawn.

11 The following Amendment.

12 The clerk will read the Amendment.

13 THE CLERK: Amendment by Brown of Kaufman.

14 THE SPEAKER: The Chair recognizes Ms.
15 Brown.

16 REPRESENTATIVE BROWN: Mr. Speaker,
17 Members, this Amendment simply says that an implication
18 that we do recognize is not from any other government,
19 then the federal government, any agency or political
20 subdivision or any other ID, then it is acceptable; and
21 it's from the federal government, as well.

22 Valid identification card, it contains a
23 photograph and issued by the federal government, an
24 institute or are a political subdivision is an obvious
25 state.

1 THE SPEAKER: Ms. Brown sends up an
2 Amendment: The Amendment is acceptable to the author.

3 Is there an objection?

4 The Chair hears none.

5 The Amendment is adopted.

6 The following Amendment.

7 The clerk will read the Amendment.

8 THE CLERK: Amendment by --

9 THE SPEAKER: Members, let's back up
10 because of verification withdrawn, we need a vote on Ms.
11 Brown's Amendment. Original Amendment, Perfecting
12 Amendment. Amendment No. 1. We just went to Amendment
13 2. We need to go back on Amendment No. 1. Adoption.

14 REPRESENTATIVE BROWN: I move adoption on
15 that first Amendment.

16 THE SPEAKER: Members, this is the first
17 Brown Amendment.

18 All those in favor say aye. Oppose the
19 nay.

20 The Amendment is adopted.

21 Now we're back on the second Brown
22 Amendment.

23 All those in favor say aye. Opposed nay.

24 The Amendment is adopted.

25 The following Amendment.

1 The clerk will read the Amendment.

2 THE CLERK: Amendment by Brown of Kaufman.

3 REPRESENTATIVE BROWN: Mr. Speaker,
4 Members, this is an Amendment that allows us to accept a
5 voter's word if they say that I can't afford a photo ID
6 from the DPS. I can't afford that nominal fee. That
7 they don't have to sign an Affidavit. We will accept
8 their word that they cannot afford it and it will be
9 issued free of charge.

10 THE SPEAKER: Members, Ms. Brown sends up
11 an Amendment. The Amendment is acceptable to the
12 author. Is there an the Chair hears none. The
13 Amendment is adopted.

14 The following Amendment.

15 The clerk will read the Amendment.

16 THE CLERK: Amendment.

17 THE SPEAKER: The Chair recognizes
18 Ms. Bolton for an Introduction.

19 REPRESENTATIVE BOLTON: Members, it's my
20 great pleasure today to introduce some international
21 visits to our capitol. They're up in the gallery just
22 behind the back mic. They're here with Fredricksberg
23 City Council member and his wife Kelly, and together
24 working to preserve the German heritage of our beloved
25 hill country here west of Austin.

1 And to that end they have visiting with
2 them Max and Edwina Bontmeyer of Munich Germany whose
3 annual vacations to our state do a great deal to support
4 international goodwill and the continued growth of the
5 Texas hill country economy.

6 Welcome so much to the Texas Capitol.

7 THE SPEAKER: The following Amendment.

8 The clerk will read the Amendment.

9 THE CLERK: Amendment by Anchia.

10 THE SPEAKER: The Chair recognizes
11 Mr. Anchia.

12 The Amendment is temporarily withdrawn.

13 The following Amendment.

14 The clerk will read the Amendment.

15 THE CLERK: Amendment by Turner.

16 THE SPEAKER: The Chair recognizes
17 Mr. Turner.

18 REPRESENTATIVE TURNER: Thank you,
19 Mr. Speaker and members.

20 What this Amendment does and in reference
21 to Representative Chavez was saying earlier -- what the
22 Amendment does, it simply says that for those people who
23 are presently registered, those who are presently
24 registered, that they will not have to go through the
25 additional demands called for by this bill.

1 What it simply says is that there are many
2 people who have been voting, especially our seniors and
3 others for quite some time under the present system.

4 And so instead of this being a departure, a
5 significant departure for them, for people who are
6 presently registered, people who have been voting like
7 my grandmother and mother and father's and your
8 grandmother's and father's for the last, 30, 40 years or
9 20 years, that we are not going to require them in order
10 to go through these additional steps.

11 If the intent of the bill is to reduce
12 voter fraud, for example in the future, then we can do
13 that without disfranchising those who have been voting
14 in the past.

15 So for the seniors who are concerned and
16 for the seniors who have been used to voting in a
17 certain manner, we shouldn't disrupt their practices by
18 this particular bill.

19 And so for those of us, and there are many
20 in this room, who would not be here without others
21 participating in the process, what this bill does is
22 that it maintains the status quo for individuals who
23 have been a part of the political process, and it says
24 for other people who have yet to register, moving
25 September 1st of this year going forward that, this bill

1 then will kick into play.

2 But Representative Davis, it would
3 grandfather people who have been operating by the rules
4 that we have put in place in the State of Texas and
5 would not disenfranchise them.

6 Because I think the greatest problem with
7 this bill would be for those people who have been voting
8 year after year in School Board elections and City
9 Council elections and a Presidential election, for
10 example that's coming up next year, it will not disrupt
11 their behavior.

12 REPRESENTATIVE HODGE: Mr. Speaker.

13 REPRESENTATIVE TURNER: Let me just finish,
14 Representative Hodge and then I will yield.

15 Because it does not make any -- and I guess
16 what is so disturbing right now for me is it doesn't
17 make any sense for us to be engaged in partisan politics
18 one way or the other if we are trying to improve the
19 democratic process.

20 And so for all Texans who are presently
21 registered and who have been operating by the rules who
22 are presently in place, we should not change the rules
23 on them in midstream.

24 And so it grandfather's people who are
25 presently in place, those who have been operating by the

1 rules who are presently in place.

2 And then it says from September 1st moving
3 forward, we will then utilize the new rules that have
4 been offered by HB 218 and I hope you will find it
5 acceptable and I hope the author will find it
6 acceptable.

7 I now yield.

8 REPRESENTATIVE HODGE: Mr. Speaker.

9 THE SPEAKER: Ms. Hodge, the gentleman
10 yields.

11 REPRESENTATIVE HODGE: Thank you.

12 Mr. Turner, I'm a little bit confused. I need you to
13 straighten me out.

14 REPRESENTATIVE TURNER: Okay.

15 REPRESENTATIVE HODGE: Are there any laws
16 that we make that are retroactive, I am familiar with
17 some policy procedures in criminal law that does not
18 create an ex facto condition. We have been able to make
19 some of them retroactive.

20 But are you saying that in Section 8 where
21 this says this act takes effect September 1st, 2007 --
22 are you saying that this would not be law moving
23 forward? Are you saying that this law then would be
24 retroactive without stating the fact that it says
25 effective on, before or after September 1, 2007?

1 REPRESENTATIVE TURNER: What the Amendment
2 says is that for those individuals who are presently
3 registered -- for example, if you are presently
4 registered right now --

5 REPRESENTATIVE HODGE: I mean, I know what
6 your Amendment is saying, but I'm asking you are you
7 saying that Section 8 of this bill that says this act
8 takes effect September 1, 2007? Are you not saying this
9 is for --

10 REPRESENTATIVE TURNER: It will still take
11 effect for September 1, 2007, but it would only apply
12 for those individuals who are not registered at that
13 point in time.

14 For example for new registrants --

15 REPRESENTATIVE HODGE: And that's my point.

16 REPRESENTATIVE TURNER: Correct.

17 REPRESENTATIVE HODGE: This bill effected
18 people --

19 REPRESENTATIVE TURNER: Who have been
20 voting for years and years and years and years, the way
21 it's presently written. Am I making sense?

22 REPRESENTATIVE HODGE: You are. But that
23 is not my point.

24 REPRESENTATIVE TURNER: Okay.

25 REPRESENTATIVE HODGE: Would my point is

1 would it not effect the people who register for voting
2 after September 1, 2007, only? This bill does not say
3 it is retroactive effecting people who had previously
4 registered to vote.

5 REPRESENTATIVE TURNER: The way the bill is
6 presently written, Representative Hodge, it will impact
7 everyone.

8 REPRESENTATIVE HODGE: Thank you.

9 REPRESENTATIVE TURNER: The way the bill is
10 presently written, even, for example, our grandparents
11 parents and grandparents, who have been voting for years
12 and years and years, they would be caught up in this
13 bill, as well as people who have never registered who
14 have never voted.

15 And in listening to the discussion early
16 on, it's my understanding that the intent of the authors
17 is to reduce voter fraud.

18 I don't believe the intent of the authors
19 is to bring about voter impersonation. And so for those
20 individuals, for those Texans, be that person democrat,
21 republican, black, white, Brown, Hispanic, regardless of
22 their political persuasion, for those people who have
23 exercised their democratic right to vote and who have
24 been doing it for years and years and years, and many of
25 our voting precinct judges know these people.

1 They have been coming to them year after
2 year, voting in non-elections, we should not in a sense
3 impose a greater hindrance on them because they have
4 participated based on the rules that we have put in
5 place.

6 And so if the intent is to eliminate voter
7 fraud and not to engage in voter impersonation, voter
8 suppression, then I believe the Amendment that we've
9 authored achieves that particular purpose.

10 Now, if the intent is to bring about voter
11 suppression, then that's a different thing.

12 REPRESENTATIVE MADDEN: Mr. Speaker, will
13 my friend Representative Turner yield?

14 THE SPEAKER: Will you yield for
15 Mr. Madden?

16 REPRESENTATIVE TURNER: I'd be more than
17 happy to yield.

18 THE SPEAKER: The gentleman yields.

19 REPRESENTATIVE MADDEN: Mr. Turner, the
20 problem I had with your Amendment is it's far more
21 technical than it is on the other things because --

22 REPRESENTATIVE TURNER: I'm ahead of you.

23 REPRESENTATIVE MADDEN: Because by doing
24 this, are you not, in fact, creating a dual set of lists
25 that would have to be used in every polling place in the

1 State of Texas that requires certain procedures for
2 certain voters because of the date they registered and
3 different procedures for someone else that registered on
4 a different date.

5 And isn't that basically unconstitutional?

6 REPRESENTATIVE TURNER: Well, no, I'm not
7 going to say it's unconstitutional representative mad.

8 Think when we are imposing additional
9 hurdles or additional requirements, let me use that
10 term, when we're imposing additional requirements in
11 order for people to exercise their constitutional
12 democratic right, then I think we ought to be very, very
13 careful.

14 REPRESENTATIVE MADDEN: You do understand
15 that our friends and our neighbors that are also working
16 in those polling places, right, and they are in fact,
17 going to be under your Amendment placed in a dual system
18 that they would have to treat voters differently that
19 would slow the process, I think of voting because it
20 would require, at least, a second check to see which
21 lists are they on and as to what date would they
22 register on and then require a separate set of
23 procedures for our clerk, would it not for them to deal
24 with certain people that registered on or before a
25 certain date and different procedures for those that had

1 been registered before that?

2 REPRESENTATIVE TURNER: I don't think it's
3 going to require any additional effort than what it's
4 been called for in the bill as it is presently written.

5 This is my intent and this is my objective,
6 Representative Madden.

7 REPRESENTATIVE MADDEN: Sure.

8 REPRESENTATIVE TURNER: If the goal of the
9 authors, for example is to reduce voter fraud, then I
10 understand where they're attempting to go. I believe my
11 Amendment makes it even better.

12 But if the intent is to bring about voter
13 suppression, then in the absence of this Amendment,
14 we're not going to be -- we'll be engaging more in voter
15 suppression than in eliminating --

16 REPRESENTATIVE MADDEN: Then I'm going to
17 respectfully disagree with you on that --

18 REPRESENTATIVE TURNER: I know. Let me
19 finish where I'm going.

20 Because this is, as I sat here and listened
21 to this debate. Okay, and then a part of the
22 appropriation process with the Attorney General's Office
23 coming before us during the appropriation process and
24 Representative McReynolds and Representative England can
25 attest to this, the Attorney General made out everything

1 laid out for us everything that they believe is needed.
2 Everything that is a priority.

3 REPRESENTATIVE MADDEN: Sure.

4 REPRESENTATIVE TURNER: When they talk
5 about Medicaid civil fraud, that came before us and we
6 provided additional moneys to the Attorney General.

7 The Attorney General did not ask for
8 additional dollars in this regard:

9 But if the effort is to reduce voter fraud,
10 we certainly don't want dead people voting -- I'm highly
11 in agreement with that. We don't want people who are
12 not eligible to be voting. I agree with that, but at
13 the same time for seniors and others who have been
14 voting for years and years, you know how easy it is to
15 confuse people, though well intentioned when it comes to
16 voting because we have been doing it for years, decades.
17 It is their habit --

18 REPRESENTATIVE MADDEN: But, Sylvester, for
19 example, if a senior citizen moves to the state of Texas
20 and now registers after September the 1st, they're going
21 to be treated differently than any other senior in Texas
22 who has been living here for a period of time under your
23 Amendment.

24 You know, if you're going to talk about
25 fairness to senior citizens, I would suggest to you that

1 that's, in fact, they all ought to be treated the same
2 whatever that way is and it's far less confusing for a
3 senior to be treated the same way as every other voter.

4 REPRESENTATIVE TURNER: Let me tell you the
5 difference, Representative Madden.

6 My Amendment places additional burden on
7 officials themselves, on the staff. It does not impose
8 the additional burden on law abiding constitutionally
9 eligible voters, and that becomes the issue.

10 REPRESENTATIVE MADDEN: Okay. I'm going to
11 disagree with you.

12 REPRESENTATIVE TURNER: Let me just say
13 this: If we are going to do this, whether I agree with
14 this bill or not. The bill is here on the floor.

15 The purpose of this Amendment is to make
16 the bill better. If it imposes a greater burden on the
17 administrative staff, so be it, as long as the greater
18 burden is not placed on people who like to vote.

19 REPRESENTATIVE MADDEN: If that greater
20 burden delays the voting process, makes it so that
21 people might be confused in the voting process and in
22 fact, discourages some from coming to the polling place,
23 you would argue that that's not to try --

24 REPRESENTATIVE TURNER: But, Representative
25 Madden, I would strongly differ and this is the reason I

1 would tell you: Without getting too far into history,
2 for those people who have had to fight to get the right
3 to vote, for women who got the right to vote in had
4 1920, for African Americans and others who got the right
5 to vote in 1965, when we start talking about imposing
6 additional hurdles and additional barriers, though well
7 intentioned, though well intentioned --

8 REPRESENTATIVE MADDEN: And I understand
9 that. I think your Amendment is, in fact, doing that
10 whereas I think you're well intentioned. I think your
11 Amendment is, in fact, putting additional burdens on our
12 polling people.

13 REPRESENTATIVE TURNER: And I would argue
14 that the bill as it presently exists engages in more
15 voter suppression than the elimination of fraud.

16 REPRESENTATIVE MADDEN: And I accept your
17 argument on the bill as it exists. But the argument
18 that we're having right now is on your Amendment
19 addresses more of the problems than it does the
20 resolution.

21 REPRESENTATIVE TURNER: And I understand.
22 But I didn't ask for the bill to come to the floor. The
23 bill is here.

24 And now the question is whether or not we
25 are going to make it better or whether or not we are

1 going to engage in more voter suppression than
2 eliminating the issue of fraud.

3 I offered the Amendment, Chairman Madden,
4 who I have the utmost respect for better and not
5 engaging in voter suppression.

6 REPRESENTATIVE BOHAC: Mr. Speaker. Will
7 the gentleman yield for a question?

8 REPRESENTATIVE TURNER: I will always yield
9 for my good friend and next door neighbor.

10 REPRESENTATIVE BOHAC: Mr. Speaker, you
11 know I love you.

12 REPRESENTATIVE TURNER: And I love you,
13 too. That's why I'm hoping I could get your support on
14 this Amendment.

15 REPRESENTATIVE BOHAC: Here's the only
16 reason I can't support it.

17 THE SPEAKER: The gentleman's time has
18 expired. The point of order is well taken.

19 REPRESENTATIVE TURNER: Let's continue the
20 love by voting for seniors and others to make the bill
21 better. I ask for your support on the Amendment.

22 THE SPEAKER: The Chair recognizes
23 Mr. Madden in opposition.

24 REPRESENTATIVE MADDEN: Mr. Speaker,
25 Members, what Representative Turner is, in fact, doing

1 is, in fact, creating a dual system is at the polling
2 place.

3 He's, in fact, creating one set of records
4 and documents for anybody who's registered on a certain
5 date before and another set that's afterwards.

6 And I will tell you that I would suspect
7 that in every polling place in Texas, whether that be an
8 early polling place or a regular polling place, that
9 it's going to cause voters to become rather upset and
10 voters to become disillusioned.

11 And while I respect his attempt on this
12 Amendment and I'm not debating the merits of the bill
13 one way or the other, the fact is that the Amendment as
14 an additional administrative burden, that specifically,
15 they are for this bill, and it's a specific burden that
16 would be there for particularly all of our election
17 workers that are working at any polling place, whether
18 it be in a city or a county election or whether it be in
19 a state election or any of those.

20 That, in fact, that burden is going to in
21 fact delay the polling process and that's why I
22 respectfully move to table Mr. Turner's Amendment.

23 REPRESENTATIVE ZEDLER: Mr. Speaker.

24 THE SPEAKER: Mr. Zedler, for what purpose?

25 REPRESENTATIVE ZEDLER: Would the gentleman

1 yield?

2 REPRESENTATIVE MADDEN: I yield.

3 THE SPEAKER: The gentleman yields.

4 REPRESENTATIVE ZEDLER: Mr. Madden, don't
5 you also see another issue here that's very, very
6 important, is that Mr. Turner's Amendment would
7 basically say that if you have someone who's been voting
8 all along that they, in essence, can continue to vote
9 that way without a Voter ID, right?

10 REPRESENTATIVE MADDEN: Though I respect
11 Mr. Turner's portion of the Amendment, that is a clearly
12 debatable point that we're having this debate on.

13 My objection to his Amendment is not
14 necessarily on that part of the point, but it's clearly
15 on the administrative differences that it places in our
16 polling places and I believe how difficult it would be
17 for the people running those polling places to
18 understand and, in fact, implement Mr. Turner's
19 Amendment.

20 REPRESENTATIVE ZEDLER: And wouldn't you
21 also agree though that what would prevent someone, if
22 they've been voting all along, and then they die, and
23 then someone comes along and simply continues to vote
24 for them.

25 REPRESENTATIVE MADDEN: Mr. Zedler, that

1 is, obviously a violation of current law.

2 It happens, then the person doing that
3 obviously needs to be prosecuted, whether it be under
4 current law or any other law that we have here.

5 And in doing that, photo identification is
6 part of this bill and that would probably eliminate that
7 if it's happening, when it happened, would probably keep
8 that from happening.

9 But it's not the direct part of what I'm
10 doing. Mr. Turner's Amendment doesn't specifically
11 address that issue.

12 REPRESENTATIVE ZEDLER: Right.

13 REPRESENTATIVE MADDEN: Mr. Turner's
14 Amendment specifically addresses a set of regulations
15 for somebody who registers before September 1st of 2007
16 and a different set of rules for somebody who registers
17 after that.

18 REPRESENTATIVE ZEDLER: Thank you.

19 REPRESENTATIVE MADDEN: Thank you.

20 REPRESENTATIVE TURNER: Mr. Speaker.

21 THE SPEAKER: Mr. Turner, for what purpose?

22 REPRESENTATIVE TURNER: Will the gentleman
23 yield?

24 REPRESENTATIVE MADDEN: Reluctantly,
25 Mr. Speaker.

1 THE SPEAKER: The gentleman yields,
2 Mr. Turner.

3 REPRESENTATIVE TURNER: Thank you,
4 Mr. Speaker.

5 Chairman Madden, on the HB 218, as it is
6 presently written.

7 REPRESENTATIVE MADDEN: Right.

8 REPRESENTATIVE TURNER: Who would have the
9 responsibility of checking your voter registration, as
10 well as your additional ID and if you don't have your
11 photo ID --

12 REPRESENTATIVE MADDEN: They would be doing
13 that at the polling place.

14 REPRESENTATIVE TURNER: And that would be
15 the administrative staff, correct?

16 REPRESENTATIVE MADDEN: That would be the
17 staff at the polling place. That would be your election
18 judges and your election clerks. That would be assigned
19 by the election administrator.

20 REPRESENTATIVE TURNER: And would it be
21 fair to say that the staff under HB 218 is going -- will
22 be required it to do even more under HB 218 than under
23 the status quo.

24 REPRESENTATIVE MADDEN: It would be fair
25 that currently under current law, Sylvester, if someone

1 came in with their Voter Registration Card that that's
2 what they have to show.

3 REPRESENTATIVE TURNER: Yes.

4 REPRESENTATIVE MADDEN: Without those, I
5 don't think it adds anything, specifically, to what they
6 would have to do because they would still at that stage,
7 without your Voter Registration Card, you do have to
8 show identification of who you are.

9 REPRESENTATIVE TURNER: Right. So would it
10 be fair to say that under HB 218, the staff at the
11 polling place is going to have to check everyone,
12 whether they're people who have been voting for 30 years
13 or whether people are just voting for the first time --
14 they are going to be required to go through the same
15 procedure.

16 REPRESENTATIVE MADDEN: They'll have those
17 same procedures set up. It will be a uniform and
18 standard provider that they do for every voter.

19 And under your Amendment it makes a
20 difference.

21 REPRESENTATIVE TURNER: Well, under my
22 Amendment, for example, it will say that for people who
23 are presently operating with their Voter Registration
24 Card, people who have been voting, seniors, for example
25 -- let me stay with seniors.

1 Seniors --

2 REPRESENTATIVE MADDEN: It doesn't have to
3 be seniors. It could be a 40-year old.

4 REPRESENTATIVE TURNER: Well, somebody
5 that's 18, 19, 21 or seniors. That if they have already
6 been dually registered and are voters, that they would
7 be grandfathered. Because, essentially, what the
8 Amendment does, do you agree, that it would grandfather
9 the status quo for people who are registered.

10 REPRESENTATIVE MADDEN: You and I have an
11 honest disagreement here. You, in fact, you do put
12 those people aside and set them separately under the
13 legislation.

14 REPRESENTATIVE TURNER: That is correct.

15 REPRESENTATIVE MADDEN: And set them aside.

16 REPRESENTATIVE TURNER: That is correct.

17 REPRESENTATIVE MADDEN: Your argument is
18 that that is in fact, the favorable to them. And my
19 argument is a counter that which says that basically by
20 setting up this dual standard, you're treating them one
21 way and you're treating all these other people once they
22 come on the list differently or possibly differently.

23 REPRESENTATIVE TURNER: And let it be very
24 clear: The intent of the Amendment is to grandfather
25 those people who are presently registered prior to the

1 enactment of this bill. There's no question about that.
2 That is my intent.

3 REPRESENTATIVE MADDEN: And I understand
4 your intent. But the intent and the application, as I
5 see it, are significantly different. And the
6 application you're requiring additional steps by those
7 poll workers now than they would have to be.

8 REPRESENTATIVE TURNER: Let's explore that:
9 Is the purpose of HB 218 to reduce voter fraud.

10 REPRESENTATIVE MADDEN: You'd better ask
11 that to the author. I'm speaking on your Amendment. I
12 believe that that's the primary thing is, in fact, to
13 reduce voter fraud.

14 REPRESENTATIVE TURNER: Do you support HB
15 218?

16 REPRESENTATIVE MADDEN: I do.

17 REPRESENTATIVE TURNER: And you are
18 supporting HB 218 for what reason?

19 REPRESENTATIVE MADDEN: I believe that it
20 will reduce the amount of voter fraud that we have here
21 in Texas.

22 REPRESENTATIVE TURNER: Your intent is not
23 to bring about voter suppression?

24 REPRESENTATIVE MADDEN: My intent is
25 definitely not to do that.

1 REPRESENTATIVE TURNER: Will you agree with
2 me, then, that under my Amendment, under my Amendment,
3 you end up getting them both. You end up reducing the
4 risk for voter fraud for anybody who's trying to come in
5 and get registered, and at the same time you don't
6 suppress those people who have been voting for years and
7 years at the status quo?

8 REPRESENTATIVE MADDEN: I don't think I
9 concur with you on the elimination of voter fraud
10 necessary for those out there in the system already.

11 For example, Mr. Zedler brought forward a
12 case which may have been extreme of somebody is deceased
13 and somebody using their records to vote for them.

14 I will tell you that the concerns I have
15 heard from any poll workers in my polls is that people
16 come in and they honestly don't believe the person is
17 who they say they are when they come in. They really
18 don't believe that they are. They think that same card
19 is being pass around and used in different places.

20 REPRESENTATIVE TURNER: They come in with
21 their voter certificate.

22 REPRESENTATIVE MADDEN: They come in with a
23 voter certificate that they that doesn't appear to be
24 the person that they say they are.

25 REPRESENTATIVE TURNER: Have they asked

1 them for information?

2 REPRESENTATIVE MADDEN: There have been
3 occasions, I believe, when they have.

4 REPRESENTATIVE TURNER: Do they give them a
5 provisional ballot?

6 REPRESENTATIVE MADDEN: They can, in fact,
7 do provisional ballots on those that they challenge;
8 they can challenge a voter and they can put them on
9 provisional ballot.

10 REPRESENTATIVE TURNER: Exactly. Exactly.

11 REPRESENTATIVE MADDEN: And you and I both
12 know that those things don't get counted in a lot of
13 cases, and I'd rather in all honesty if someone is who
14 they say they are instead of having someone be
15 challenged.

16 Let's say in one of our precincts in
17 Houston, if a voting judge was challenging a bunch of
18 your voters and they would go into their group of
19 ballots that we have over there that are challenge
20 ballots, I would prefer that if they had information
21 that showed who they were and showed that, than, in
22 fact, those ballots not be in that status but, in fact,
23 in a regular counted status.

24 REPRESENTATIVE TURNER: Right. But under
25 HB 218, is there a challenge there for provisional

1 ballots because I believe there is.

2 REPRESENTATIVE MADDEN: As far as I see in
3 this legislation, it doesn't change anything under the
4 ballot.

5 REPRESENTATIVE TURNER: And that's my
6 point. Under HB 218 there is still a provision for
7 provisional ballots under 218.

8 REPRESENTATIVE MADDEN: There is. But,
9 Sylvester, but I think by showing identification, I
10 think that that may, in fact, remove some of those
11 provisional ballots that are out there now.

12 REPRESENTATIVE TURNER: But I think the
13 point that I'm making, and I don't know how to express
14 this and my words may be inadequate to express it.

15 REPRESENTATIVE MADDEN: I have never heard
16 you have any inadequate words.

17 REPRESENTATIVE TURNER: But I want to do it
18 in such a way for you to understand where I'm coming
19 from.

20 REPRESENTATIVE MADDEN: Absolutely.

21 REPRESENTATIVE TURNER: Because HB 218,
22 when you start imposing additional requirements, people
23 who have been voting for years and years, it does give
24 the impression that we are trying to suppress a person's
25 right to vote rather than trying to --

1 REPRESENTATIVE MADDEN: Well, Sylvester, if
2 they're like me, and I've showed up several times
3 without my voter card and have honestly showed
4 identification as to who I am, and I think there's a lot
5 of voters who that's happened to.

6 I mean, I've seen them come in, you know,
7 off the golf courses, off of work, coming in and they
8 don't have they're identification. And they're very
9 quick to show at that stage who they are.

10 REPRESENTATIVE TURNER: I understand.

11 REPRESENTATIVE MADDEN: But that changes a
12 lot.

13 REPRESENTATIVE TURNER: But do you think
14 there's a law that would go to encourage voter
15 participation? Do you think it's a law that will go to
16 encourage democratic process?

17 REPRESENTATIVE MADDEN: I think it's
18 extremely important that all of us encourage every
19 citizen of the United States to participate in that
20 process. That's a major thing that we've been trying to
21 do through the years. Obviously, we did the voter
22 registration to get more people registered. We've got a
23 lot of those things --

24 REPRESENTATIVE TURNER: And will you agree
25 with me that if we impose too many hurdles, that there

1 are people who have every right to vote, every
2 legitimate right to vote, who may be discouraged from
3 participating in the political process?

4 REPRESENTATIVE MADDEN: And I would agree
5 with you to impose any unrealistic hurdles.

6 Honestly I don't feel that this legislation
7 218 imposes any that are unrealistic. I will tell
8 you --

9 REPRESENTATIVE TURNER: But, Representative
10 Madden, don't you think it depends on your -- don't you
11 think if your history is different from my history, what
12 may impact you, what may not impact you may certainly
13 impact me?

14 REPRESENTATIVE MADDEN: It's certainly
15 possible and that could be in a lot of different ways
16 which we don't even recognize, Mr. Turner.

17 REPRESENTATIVE TURNER: Exactly.

18 THE SPEAKER: The Chair recognizes Mr.
19 Turner to close.

20 REPRESENTATIVE TURNER: Mr. Speaker and
21 Members, let me just say that what my Amendment does is
22 that it says that HB 218, as it is presently written
23 will effect any person who is not registered but seeks
24 to register as of September 1st going forward.

25 It is intended to grandfather people who

111

1 have been voting for years and years and years.

2 For seniors, for your parents, grandparents
3 and others, who have been voting for years and years.

4 It is the intent of this Amendment to say to them, if
5 you've been coming to the polls with your Voter
6 Registration Card, you can continue to come to the polls
7 with your Voter Registration Card. We are not going to
8 impose a greater hindrance or a barrier for you.

9 REPRESENTATIVE CASTRO: Mr. Speaker.

10 THE SPEAKER: Will the gentleman yield for
11 a question?

12 THE SPEAKER: Do you yield, Mr. Turner?

13 REPRESENTATIVE TURNER: Yes, I yield.

14 THE SPEAKER: The gentleman yields.

15 REPRESENTATIVE CASTRO: Mr. Turner, you're
16 asking that current registered voters be grandfathered
17 into the clause; isn't that right?

18 REPRESENTATIVE TURNER: That is the intent
19 of the Amendment.

20 REPRESENTATIVE CASTRO: And don't we do
21 that hundreds of times, every legislative session for
22 businesses? For non-profits? For all sort of
23 organizations who come to us and ask us very
24 specifically to be grandfathered from one law or another
25 and most of the time we say, yes because we believe

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1 that's the right and fair thing to do?

2 REPRESENTATIVE TURNER: This Amendment is
3 similar to what we have done on numerous occasions since
4 I've been here in the legislature.

5 And the effect is: It does not create a
6 chilling effect on people who have been voting over and
7 over and over again.

8 This is their behavior. This is their
9 habit. This is the way they're used to doing it. But
10 for you new people who are coming into our system, we
11 are creating a new set of rules and this is what should
12 take place. They are not effected it. Their habit will
13 not be changing.

14 REPRESENTATIVE CASTRO: Right. You're
15 saying hey, this is what you can expect going forward.

16 REPRESENTATIVE TURNER: Exactly.

17 REPRESENTATIVE CASTRO: As if you are a new
18 registrant.

19 REPRESENTATIVE TURNER: Exactly. But for
20 people who are voting for bond elections. City Council
21 elections, presidential elections in the past, then
22 we're going to grandfather you in.

23 And I believe it serves to make the bill
24 better. For those who are concerned about voter fraud,
25 then we are going to deal with that under HB 218.

1 For those of us who are concerned about
2 voter suppression, then we deal with that. It creates a
3 balance.

4 And let me just point out something that I
5 don't think has been said: Bear in mind: Who has voice
6 opposition to this bill: You've got the baptist
7 convention of Texas who that has voiced opposition to
8 this bill. The league of women voters has voiced
9 opposition to this bill. The AARP, people with
10 disabilities have voiced opposition to this bill. And
11 the list goes on and on and on.

12 What this Amendment does, what this
13 Amendment does is that it allows the bill to improve.
14 It grandfather's seniors and others who have been voting
15 in one election after another. And then it says for new
16 participants, the new are participants coming into our
17 system, these are the requirements by which you must be
18 governed.

19 REPRESENTATIVE CASTRO: Let me just ask
20 you, finally: How in the world if we vote down this
21 Amendment are we going to go back to voters, registered
22 voters who have been voting, some for 40 or 50 years,
23 and tell them that when businesses come to us and ask to
24 be grandfathered when cities come to us and ask to be
25 grandfathered from new laws, when non-profits come to us

1 and ask to be grandfathered and most of the time we say
2 yes because that's the fair and right thing to do? But
3 when the voters of Texas come to us ask to be
4 grandfathered, we say no?

5 REPRESENTATIVE TURNER: Well, I think we
6 have made it -- well, let me give you a case in point.
7 Let me give you a case in point.

8 Last week, last week, on TXU, now, let me
9 just say this and let me be loud and clear.

10 Last week on TXU, people argued on this
11 floor by retroactivity, retroactive, impacting
12 agreements that have already been in place and we
13 allowed TXU not to fall under provision has we put in
14 place --

15 REPRESENTATIVE VILLARREAL: Mr. Speaker.

16 REPRESENTATIVE TURNER: Let me just finish,
17 Mike.

18 If we can do it for TXU, yes grandfathered
19 them in, if we can grandfather the TXUs, can we not
20 grandfather people who have been voting in election
21 after election after election?

22 And I don't think, Representative Zedler,
23 that TXU should be held to any lighter standard or be
24 held any higher than the people in the State of Texas.
25 If it's good on one end it ought to be good on another.

115

1 REPRESENTATIVE VILLAREAL: Mr. Speaker,
2 will the gentleman yield for a question?

3 THE SPEAKER: Mr. Turner, will the
4 gentleman yield to Mr. Villareal?

5 REPRESENTATIVE TURNER: Yes.

6 THE SPEAKER: The gentleman yields.

7 REPRESENTATIVE TURNER: I yield,
8 Mr. Speaker.

9 REPRESENTATIVE VILLAREAL: So we can
10 grandfather TXU but we can't grandfather grandfathers?

11 REPRESENTATIVE TURNER: Well, I'm hoping
12 that we will grandfather people who have been voting for
13 years after year after year.

14 REPRESENTATIVE VILLAREAL: But a more
15 serious question: I understand you're offering this
16 Amendment in order to address a concern about the
17 suppression of vote.

18 REPRESENTATIVE TURNER: Yes.

19 REPRESENTATIVE VILLAREAL: And the
20 suppression of vote, not randomly, not uniformly across
21 the electorate, but voter suppression that will
22 disproportionately impact African Americans and
23 Hispanics.

24 REPRESENTATIVE TURNER: And seniors have --

25 REPRESENTATIVE VILLAREAL: And seniors and

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1 many other groups. But the fact is it will impact
2 groups differently; is that right?

3 REPRESENTATIVE TURNER: Well, let me just
4 find my little sheet of paper.

5 Let me just say this: In 2006 the
6 non-partisan Brennan Center found that 20 percent of
7 African Americans have no government-issued ID, nor do
8 18 percent of seniors 65 and older and 15 percent of
9 those who had earn less than \$35,000 a year.

10 So we're not just talking about one group.
11 We're talking about several groups.

12 And what I tried to indicate to
13 Representative Madden, and maybe I don't have the words
14 to express it, but for people who fought to get their
15 rights to vote, for people who fought to get their
16 rights to vote, to get the poll tax and all these other
17 elements, this just sends, I think, the wrong signal.

18 If they're interested in eliminating voter
19 fraud, we can do that without having to engage in voter
20 suppression.

21 REPRESENTATIVE VILLAREAL: Are you familiar
22 with the United States Election Assistance Commission?

23 REPRESENTATIVE TURNER: Vaguely.

24 REPRESENTATIVE VILLAREAL: This is a
25 bipartisan commission.

117

1 THE SPEAKER: Representative Brown raises
2 the Point of Order. The speaker's time has expired have
3 the point of order is well taken and sustained.

4 REPRESENTATIVE VILLAREAL: Mr. Speaker, can
5 I move that the gentleman's time be extended?

6 THE SPEAKER: Members, vote aye, vote no on
7 extending Mr. Turner's time.

8 Have all voted? Being 80 ayes, 64 nays,
9 the gentleman's time is extended.

10 REPRESENTATIVE TURNER: Hopefully that's
11 reflective of the vote that will be on the Amendment.

12 REPRESENTATIVE VILLAREAL: Or the quality
13 of the question that's to come.

14 THE SPEAKER: I'll write the question down
15 and we'll compare it.

16 REPRESENTATIVE VILLAREAL: My question is:
17 Are you familiar with the United States Election
18 Assistance Commission?

19 REPRESENTATIVE TURNER: Vaguely I am.

20 REPRESENTATIVE VILLAREAL: It's the
21 bipartisan commission that was created out of the 2002
22 HAVA --

23 REPRESENTATIVE TURNER: Yes.

24 REPRESENTATIVE VILLAREAL: Yes. This
25 organization, this commission commissioned a study

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1 titled protecting the franchise or restricting it, the
2 effects of Voter Identification requirements on
3 turn-out.

4 And do you know what they found in the
5 study? They found that states with Voter ID laws had an
6 overall turn-out reduction of 3 percent. A figure that
7 reached 5.7 percent among African Americans and 10
8 percent among Hispanics.

9 REPRESENTATIVE TURNER: And the purpose of
10 the Amendment is to reduce any notion of voter
11 suppression by the bill. And the author has said what
12 my Amendment does is that it grandfather's people who
13 have been in our democratic electoral process for years.
14 But for those new voters, new people who chooses to vote
15 as of September the 1st, they will be governed by these
16 rules.

17 REPRESENTATIVE VILLAREAL: Do these
18 turn-out figures, the suppression of turn-out, do these
19 figures concern you?

20 REPRESENTATIVE TURNER: Very much so.

21 REPRESENTATIVE VILLAREAL: When I first
22 read the summary, I thought well, maybe these are just
23 overall numbers and, you know, maybe this is actually a
24 sign that there is an elimination of fraud.

25 But when I downloaded the study and started

1 reading, I discovered that they drilled down all the way
2 down to the individual voter. And they developed
3 statistical models on individual voters who are then
4 followed up on who are actually registered voters.

5 REPRESENTATIVE TURNER: Right.

6 REPRESENTATIVE VILLAREAL: Not looking at a
7 high-level of county aggregate or state aggregate,
8 though they did that, also.

9 And so I think this is significant. It
10 doesn't just concern me.

11 REPRESENTATIVE TURNER: Well, if the intent
12 is to eliminate fraud and if people are going to
13 increase the penalty for those who engage in fraud, I
14 vote for that.

15 If we want to increase the fine for people
16 who are engaging in voter fraud, I vote for that. If we
17 want to make it very, very clear that if you engage in
18 fraud, dead people voting and you get caught and the
19 penalty should be enhanced because we want to maintain
20 the integrity of the process, I vote for that.

21 But if we are going to impose these type of
22 hurdles that for some who have had to overcome the
23 hurdles just to vote, and I'm talking about people who
24 are clearly American citizens, then I believe that is a
25 different subject matter.

1 And so the Amendment simply says for those
2 of you who are already grandfathered in for new people,
3 these are the rules and I think we are able to address
4 voter fraud and voter suppression at the same time.

5 Having said that, I yield representative
6 Phillips.

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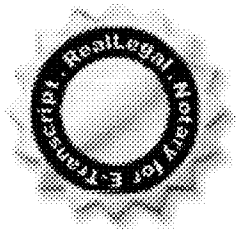
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2
3 COUNTY OF HARRIS:

4
5 I, Kateri A. Flot-Davis, Certified
6 Shorthand Reporter in and for the State of Texas, hereby
7 certify that the foregoing transcript is done to the
8 best of my ability and reflects proceedings heard on
9 video recording.

10 I further certify that I am neither counsel
11 for, related to, nor employed by any of the parties or
12 attorneys in the action in which this proceeding was
13 taken, and further that I am not financially or
14 otherwise interested in the outcome of the action.

15 Certified to by me this ____ of _____
16 , _____.



Kateri A. Flot-Davis

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House Floor Debate

April 23, 2007

122

A				
AARP	21:17 22:4	44:15 45:12	26:10,13	agreement
57:11 113:9	achieved	49:21 63:5	85:5,6,8	95:11
abiding	36:15	101:11	afraid	agreements
96:8	achievement	115:16	78:11	114:12
ability	32:23 33:16	120:3	Africa	AG's
38:9 121:8	achieves	20:14 53:5	7:11	39:15
able	92:9	addresses	African	ahead
3:23 7:23	achieving	97:19 101:14	97:4 115:22	2:19,22
12:21 17:13	33:4	addressing	116:7 118:7	92:22
27:19 38:7	acknowledge	53:2	afternoon	aims
40:21 49:18	36:10	adds	2:19	25:12
49:19 51:25	acknowledged	103:5	AG	airplane
53:16 60:21	25:22	Administr...	16:12	3:18 62:19
82:8 89:18	act	5:6	age	airport
120:3	51:25 52:11	administr...	37:8,21	62:6,10
absence	52:21,24,25	96:17 99:14	38:24 39:10	alcohol
94:13	57:24 58:21	100:15	42:15 47:13	3:18
absentee-...	89:21 90:7	102:15	48:14 50:11	Alendres
11:11	action	administr...	50:14 51:10	35:20
absolutely	121:12,14	50:17 51:11	55:25 56:5	aliens
18:2,8 19:7	active	102:19	56:10,11	9:19
38:3,18,22	42:19 70:21	admit	57:9 59:19	allegation
40:5 42:12	activities	55:20 81:1	60:6 61:4,7	15:20 19:10
80:8 108:20	3:16	adopt	61:8,13	20:16 23:10
Academic	activity	25:3	63:23 74:7	Allen
35:21,22	70:8	adopted	74:13,21,25	68:12
accept	actual	69:18 84:5	75:4,7	allow
78:17,18	21:16	84:20,24	76:25 77:20	60:12 61:12
85:4,7	ad	85:13	82:2,13	allowed
97:16	20:24 21:4	adoption	agencies	44:11 57:3
acceptable	add	74:17 84:13	54:25 55:1	114:13
27:13 37:9	29:5,7 34:9	84:14	agency	allowing
37:11 43:7	Addison	advanced	83:19	10:9
43:9,11,19	35:16	48:14	ages	allows
44:17 78:7	additional	adverse	50:20	85:4 113:13
79:7 83:20	86:25 87:10	25:10	aggregate	Alma
84:2 85:11	93:8,9,10	Advisory	119:7,7	71:3 73:9,13
89:5,6	94:3 95:6,8	70:24	ago	Alonzo
access	96:6,8 97:6	affairs	42:14 50:19	68:12
49:14 79:1	97:6,11	70:7	50:22 65:8	Amendment
account	99:14	affect	agree	26:11 36:20
24:21	102:10	38:8	10:21 17:9	36:21,22,25
accusation	105:6	Affidavit	61:4 95:12	37:11,11,19
16:2	108:22	8:18 26:12	96:13	38:17 47:1
accuse	address	85:7	100:21	47:2,3,4,17
21:2 22:20	25:12 44:14	afford	104:8 106:1	52:2 55:19
			109:24	55:19 57:19
			110:4	

JA_007696

TX_00212288

USA_00022578

House Floor Debate

April 23, 2007

123

59:18 61:6	America	28:15,19,24	appreciate	67:4 106:25
61:21 66:20	9:13 56:21	29:3,12,19	2:21 54:20	asking
73:25 74:1	70:17	29:25 30:12	approach	74:12 82:12
74:1,3,5,5	American	30:20,21,22	74:15,22	82:12 90:6
74:7 75:22	2:10 30:15	31:1,2	appropria...	111:16
75:22 77:5	59:12 70:14	39:14 40:24	94:22,23	Assessor
81:17,19	119:24	41:6 68:12	approved	5:5
82:1,18	Americans	82:24 86:9	8:2	assets
83:3,4,11	2:8 3:7,15	86:11	April	79:1
83:12,13,17	27:6 97:4	Anderson	3:7	assigned
84:2,2,5,6	115:22	67:9	Ardoin	102:18
84:7,8,11	116:7 118:7	annals	69:21,22	Assistance
84:11,12,12	amount	32:7	70:4,10	116:22
84:12,13,15	105:20	announced	71:5,12,16	117:18
84:17,20,22	analysis	69:11	72:17	assistant
84:24,25	15:6	annual	Ardoin's	35:10 36:10
85:1,2,4,11	Anchia	86:3	71:2	assists
85:11,13,14	4:12,13,14	answer	area	35:19
85:15,16	4:20 6:13	14:19 28:24	39:21,22	assured
86:7,8,9,12	6:14,15,19	answering	80:7	50:16
86:13,14,15	6:20 10:14	20:2	argue	astounding
86:20,22	10:15,16,20	anybody	96:23 97:13	34:22
90:1,6 92:8	10:25 11:5	51:2,23	argued	Athletic
92:20 93:17	11:10,13,16	58:25 59:20	114:10	70:24
94:11,13	11:19,23	74:11 99:4	argues	athletics
95:23 96:6	12:20,24	106:4	7:21	33:17
96:15 97:9	13:5,10,14	anyway	argument	attempt
97:11,18	13:23 14:4	37:5	97:17,17	99:11
98:3,14,21	14:7,10,13	apparently	104:17,19	attempting
99:12,13,22	14:21 15:5	48:13	Arizona's	61:1 94:10
100:6,11,13	15:20 16:4	Appeals	8:23	attending
100:19	16:9 17:9	9:7,9	armed	53:25
101:10,14	17:15,18,22	appear	16:21	attention
103:19,22	17:25 18:13	106:23	Arsdale	2:20
104:8,24	18:24,25	applicant	68:8	attest
105:11	19:1,5,8,25	5:17	article	94:25
106:2,2	20:15,20	applicants	21:23 22:17	Attorney
110:21	21:7,10,13	5:19	24:23	15:1,22 16:2
111:4,19	21:17,21	application	articulated	39:16,20
112:2	22:4,9,19	5:16 9:16	11:1	94:22,25
113:12,13	22:25 23:8	105:4,6	aside	95:6,7
113:21	23:16,23	applied	104:12,15	attorneys
115:16	24:2,6,12	5:8	asked	121:12
117:11	24:16,19	apply	3:15 12:6	Austin
118:10,12	25:7,16,21	90:11	14:17,22,25	31:16 85:25
120:1	26:4,16	applying	31:11 35:12	author
Amendments	27:1,21	5:22	39:14 41:6	37:9,12
37:2	28:3,6,11			

JA_007697

TX_00212289

USA_00022579

House Floor Debate

April 23, 2007

124

72:11 84:2	back	13:10	58:8 60:18	better
85:12 89:5	16:9 18:7	bank	61:5,6	14:12 81:6,6
105:11	36:18 46:3	44:12	77:23 78:25	94:11 96:16
118:11	73:9,9,23	baptismal	91:18 92:8	97:25 98:4
authored	80:6,6 82:9	76:17	94:10 95:1	98:21
21:23 22:13	82:10 84:9	baptist	100:16	105:10
92:9	84:13,21	113:6	105:12,19	112:24
authority	85:22	barrier	106:16,18	Betty
15:15 16:8	113:21	111:8	107:3 108:1	45:2 75:16
50:15 51:11	background	barriers	111:25	80:17
authors	12:6	25:22 97:6	112:23	Bexar
91:16,18	backs	based	119:24	13:1 40:1
94:9	17:6	49:2,4 92:4	believes	bill
automatic...	Bailey	basic	58:14	2:2,3 11:3,5
6:3 7:1	68:13	2:14,16,24	bell	12:2,13
available	Baker	7:8 10:22	66:23 82:22	13:15,17
30:13	7:14 20:24	basically	belong	14:12 20:13
Avery	21:4,24	3:10 93:5	3:18	26:4,7
35:20	22:13 23:3	100:7	beloved	27:14 29:16
avoid	51:16,20	104:19	85:24	36:19 38:8
52:16	Baker's	basketball	Bend	39:7 42:13
avoiding	52:3	32:6 33:12	67:23,23	43:3,4
52:7,10	balance	33:22 34:17	benefit	44:12 48:19
aware	113:3	76:9	37:7	49:21 52:17
14:16,25	balanced	battle	benefits	57:12,19,20
50:19 60:15	39:10 47:18	2:8	61:11,16	60:19,25
62:18 64:17	48:24 74:22	Baylor	Berman	74:25 76:21
64:21 65:17	balcony	32:24	37:14,18,24	79:4 81:12
awful	35:10	bear	38:16,19,23	86:25 87:11
48:12	ball	79:20 113:5	39:2,5,13	87:18,21,25
Aycock	72:4	bed	39:19,24	88:7 90:7
67:9	ballot	38:11	40:6,23	90:17 91:2
Aycox	2:11 3:5,14	bed-fast	41:5,9,15	91:5,9,13
54:8	8:18 9:14	38:5	41:20,23	94:4 96:14
aye	27:15,17	beer	42:9,24	96:14,16
18:16 66:22	28:10 29:24	3:13	43:8,20	97:14,17,22
66:24 67:7	37:5 38:10	began	44:22 45:2	97:23 98:20
69:7 82:20	38:20,25	69:22	45:9,14,16	99:12,15
82:23 84:18	39:3 49:20	behavior	45:18 46:2	101:6 105:1
84:23 117:6	49:24 66:6	25:11 88:11	46:15 67:9	112:23
ayes	107:5,9	112:8	best	113:6,8,9
18:20 67:2	108:4	believe	33:23 66:2	113:10,13
69:8,15	ballots	3:4 26:24	71:9,13	118:11
83:1 117:8	28:4,8,13	29:17,19	72:25 121:8	Bioscience
A&M	107:7,19,20	30:1,2 41:6	Betencort	70:19
36:4	107:22	41:9 42:22	5:5,9 11:25	bipartisan
	108:1,7,11	43:11 51:16	12:6 13:20	7:15 116:25
B	ballpark		46:6	117:21

JA_007698

TX_00212290

USA_00022580

House Floor Debate

April 23, 2007

125

birth 6:9 44:16,18 50:7 51:1 76:16	Brazos 67:11	22:1,7,16 22:22 23:4	Brown's 63:16 84:11	Canada 7:9
birthdays 51:4	breeds 9:3	23:8,15,19	building 2:14,17,24 13:16 32:22 62:19	cancelled 2:11 5:11,12
bit 49:6,8 89:12	Brennan 27:4 29:14 30:1,12,14 59:11 116:6	24:1,4,10 24:14,18 25:5,13,19 26:2,8,18 27:8,24 28:5,9,14 28:17,21 29:1,5,10 29:17,21 30:5 31:4 36:24 37:1 37:10,17,20 38:3,18,22 39:1,4,7,18 39:23 40:5 40:9 41:2,8 41:12,19,22 42:1,12 43:6,10,21 45:1,8,11 45:15,17,21 47:15,16 48:4,17 49:4,12,17 50:2,9,13 50:23 51:8 52:9 53:2 53:11 56:1 61:6 66:20 66:24 67:10 67:10 74:19 74:20 75:13 76:18 77:2 77:6,9,13 77:19,24 78:2,20,24 79:8 80:8 80:13,18,25 81:11 82:18 82:23 83:13 83:15,16 84:1,14,17 84:21 85:2 85:3,10 91:21 117:1	bulk 3:18	capitol 31:17 54:13 85:21 86:6
black 91:21	bring 43:2,3 44:23 91:19 92:10 94:12 105:23		bunch 107:17	capturing 32:5
block 2:14,17,24			burden 96:6,8,16,18 96:20 99:14 99:15,20	Cara 35:23
blocks 58:6	brings 74:7,8		burdens 97:11	card 5:1 43:2,5,6 43:7,14,15 43:23 44:3 44:7,24 46:3 47:11 47:11 50:4 50:6,21 51:24 52:1 57:1,3 63:5 63:15 65:25 66:3,3 78:16,21 79:16,23 80:3 83:22 103:1,7,24 106:18 109:3 111:6 111:7
board 3:13,17 62:18 70:12 70:13,18 88:8	Britain 7:10		Burnam 68:13	cards 5:8 44:1
body 72:17	broader 23:14		Bush 7:15	care 48:23 77:16
Bohac 67:10 98:6 98:10,15	brother 73:17,21		business 56:7	career 69:23 71:2 73:8
Bolton 68:13 85:18 85:19	brought 11:2 27:25 41:17 50:24 55:3 56:2 77:10 79:9 106:11		businesses 60:16 111:22 113:23	careful 93:13
bond 112:20	Brown 2:4,6,7,19 2:22,23 4:17,21 6:18,22 10:19,21,24 11:4,9,12 11:15,18,22 12:14,22 13:3,7,12 13:19 14:2 14:6,8,11 14:20 15:3 15:7 16:1,6 16:17 17:12 17:17,20,24 18:2,23 19:3,7,11 20:1,19 21:6,9,11 21:15,20		Butler 55:8	carefully 52:20
Bonnen 67:10			buy 3:13,18 66:3	Carry 44:10
Bontmeyer 86:2			C	Carter 7:13 19:12 20:3,24 21:4,24 22:13 23:1
book 3:17			cajun 73:6	
border 60:15			call 54:3,5	
borderland 75:24			called 11:21 46:23 72:4 86:25 94:4	
box 3:14 46:4			Callegari 67:11	
Brad 54:8			calling 67:7 68:10	
Branch 67:10			campaign 32:10	
Brazilian 5:10 13:17			Campbell 36:2	

JA_007699

TX_00212291

USA_00022581

House Floor Debate

April 23, 2007

126

23:3,6	116:6	challenge	Cherry	112:20
25:14 51:16	centers	107:7,8,19	55:9	civic
Carter-Baker	26:1,5 75:16	107:25	Chicago	72:3
17:23 18:5	75:17	challenged	70:1	civil
19:6 20:21	central	33:6 107:15	Chief	2:8,10 70:19
21:3,18	70:9	challenging	55:7	95:5
22:5,6,12	century	107:17	child	claiming
22:14,21	74:9 82:3	chamber	63:23	5:11
23:9,12,13	certain	10:2	chilling	claims
23:24 24:3	8:2 42:15	championship	112:6	4:10
24:7,17,20	87:17 93:1	32:11 33:2	Chisum	Class
24:25 25:17	93:2,24,25	34:18	67:11	33:23
25:23	99:4	change	choose	clause
case	certainly	27:14 74:15	24:25	111:17
14:5,8 15:9	17:17 38:11	82:3,14	chooses	clear
20:22 81:3	38:13 95:10	88:22 108:3	118:14	20:25 104:24
81:3,3	110:12,14	changed	choosing	114:9
106:12	certificate	82:5	21:18 23:11	119:17
114:6,7	8:8 44:4,17	changes	Christi	clearly
cases	76:17	109:11	53:24 54:11	13:1 20:22
2:13 13:6	106:21,23	changing	Christian	51:22
14:9,18	certificates	112:13	67:11	100:11,14
15:1,8	76:16	chapter	cigarettes	119:24
107:13	certified	71:9	3:13	clerk
Casey	44:16,20	charge	Circuit	2:3,4 32:2,3
36:11	121:5,15	26:15 85:9	9:7	36:21,22
cast	certify	charged	cities	47:3,4
9:21,25	121:7,10	16:20 17:1	113:24	66:23 67:7
16:15 66:6	chair	Chavez	citizen	67:9,16,22
Castro	2:1,6 4:13	68:13 75:10	4:5 5:11	68:4,10,12
31:11,13	18:22 31:7	75:15,17	9:17 13:25	69:13,19,20
68:13 111:9	31:18,25	76:19 77:4	45:25 46:4	74:1,3
111:15,20	32:1 34:8	77:8,11,18	79:5 95:19	82:22 83:4
112:14,17	34:14 36:24	77:21 78:1	109:19	83:12,13
113:19	36:24 47:5	78:4,22	citizens	84:7,8 85:1
caught	47:14 53:19	79:3 80:5	9:19,21 10:7	85:2,15,16
91:12 119:18	54:14 55:15	80:10,16,20	30:15 59:12	86:8,9,14
cause	69:11,17,17	81:5 86:21	64:21 76:20	86:15 93:23
81:7 99:9	71:19 72:13	check	78:10,10	clerks
caused	73:3 74:18	3:17 5:15,25	81:8 95:25	102:18
78:16	81:18 83:14	6:3 44:12	119:24	clock
causing	84:4 85:12	47:9 93:20	citizenship	80:6
78:9	85:17 86:10	103:11	23:20 44:4	close
center	86:16 98:22	checked	44:19	9:22,24
27:4 29:14	110:18	5:20,21 46:4	city	15:18 53:6
30:1,12,14	Chairman	checking	76:8 85:23	55:18 81:19
59:11 76:7	54:16 70:15	102:9	88:8 99:18	110:19
76:8,9	98:3 102:5			closing

JA_007700

TX_00212292

USA_00022582

House Floor Debate

April 23, 2007

127

32:15	114:3	compromise	consequently	44:16,20
Club	117:13	74:23 75:6	46:6 74:12	51:19 71:16
3:19 70:21	comes	con	consider	Corpus
70:22,22	39:21 60:3,5	7:9	19:24	53:24 54:10
clubs	95:15	Concealed	considered	correct
3:19	100:23	44:10	7:7	11:6 16:10
clutch	coming	concepts	consistent	17:10,19
32:15	88:10 92:1	22:5	52:3	21:19 25:4
coach	94:23 96:22	concern	consists	39:6 40:8
33:10 36:10	108:18	11:1 115:16	6:5	53:6 90:16
36:11	109:7 111:5	118:19	constitution	102:15
coaches	112:10	119:10	10:3,8,10	104:14,16
33:24 35:11	113:16	concerned	constitut...	cost
Cochran	comments	38:4 87:15	57:16 93:11	79:13
36:22	72:12	112:24	constitut...	costly
code	Commerce	113:1	96:8	19:23
4:1,9,25	36:5	concerns	contained	costs
Cohen	commission	25:8,12	21:22	20:8,13,14
68:13	17:23 19:6	106:14	containing	Council
cold	116:22,25	concur	44:2,3	85:23 88:9
3:19 80:7	117:18,21	106:9	contains	112:20
Coleman	117:25	condition	44:4,9 83:22	counsel
68:14 80:7	commissioned	38:13 89:18	context	70:14 121:10
colleague	117:25	conditions	23:14	count
55:8	commit	8:2	contingency	13:9 81:14
colleagues	49:10,23	conduct	7:16 19:15	counted
53:22 71:8	committee	4:6	continue	3:5 28:4,8
college	1:7 5:6,9	conducted	49:23 81:4	28:10,13
65:16	45:4 52:19	3:9	98:19 100:8	107:12,23
Collins	70:24	confidence	111:6	counter
55:7	commonsense	3:3 4:23	continued	104:19
Colorado	81:25	8:25 29:11	71:14 86:4	counties
68:14	community	30:9 81:13	continues	16:19 39:25
combination	70:21	confirming	73:13 100:23	40:4
33:7	company	44:17	convention	country
come	71:7	confuse	113:7	85:25 86:5
13:9 32:18	compare	95:15	conversation	county
43:16 72:8	40:12 64:9	confused	21:16 22:2,8	5:4 6:5 7:2
73:23 82:10	117:15	89:12 96:21	22:18 24:14	12:15 13:8
97:22	complaint	confusing	79:10	13:13 26:25
104:22	16:13	96:2	conversat...	30:3 39:25
106:4,16,17	complaints	congratulate	2:20	40:1,1,1,2
106:20,22	14:23 16:11	33:21	cook	45:4,13,22
109:6 111:6	completion	conjunction	67:11 68:14	55:9 64:21
111:23	8:17	74:24	72:24 73:6	99:18 119:7
113:23,24	comply	consent	copy	121:3
113:25	9:9 29:15	31:1	34:1 44:11	couple
				16:18 48:6

JA_007701

TX_00212293

USA_00022583

House Floor Debate

April 23, 2007

128

course 13:8 41:8 50:4 51:24 72:17 75:5 79:15	67:12 CSR 121:20 culmination 32:9 curious 12:1 19:10 current 4:9 5:25 6:24 44:11 59:13 101:1 101:4 102:25 111:16 currently 4:25 102:25 cut 81:7 Cypress 34:24 Cy-Fair 32:11	Dave 73:22 Davis 67:12 68:14 88:2 day 36:5 58:2 60:13,16,20 60:22 65:13 days 42:14 62:10 dead 12:17,21 13:2,3 95:10 119:18 deal 11:6,7,20 58:11 86:3 93:23 112:25 113:2 death 40:16 debatable 100:12 debate 1:8 47:12 54:1 58:12 58:14 59:23 59:24 63:19 94:21 100:12 debating 99:12 decades 58:23 69:22 95:16 decease 48:10 deceased 40:18,20 48:13,22 81:2 106:12 decided 9:23,24 13:20 72:7 Decree	44:21 decrepit 57:14 dedication 33:15 36:12 69:21 deep 81:7 defense 33:8 defensive 35:24 deference 74:14 definitely 23:22 105:25 delay 99:21 delays 96:20 Delisi 67:13 deluded 10:9 demanding 19:21 demands 86:25 democracy 2:15,25 9:1 9:3 10:23 democrat 91:20 democratic 88:19 91:23 93:12 109:16 118:13 denied 38:17 deny 38:14 denying 39:8 department 6:7,11 7:4 8:1 41:10	43:23 departure 87:4,5 depends 110:10 Deputy 55:7 described 19:19 deserve 74:14 Deshotel 68:14 designed 9:16,18 11:6 11:7,20 52:21 desk 38:1 details 30:8 detering 20:5 developed 65:18 119:2 dialogue 40:24 Diane 54:9 dias 35:15 die 100:22 died 2:13 differ 96:25 difference 96:5 103:20 differences 100:15 different 8:14 12:2,12 25:23 54:25 63:15 79:11 92:11 93:3 93:4,25
courses 109:7 Court 8:18,21 9:7 9:9 courts 76:9 Court's 8:24 covered 12:12 57:24 co-author 72:11 Craddick 67:12 Crawford 55:9 crazy 73:2 create 7:25 89:18 112:5 created 117:21 creates 113:2 creating 92:24 99:1,3 112:11 Creighton 69:8 crime 4:22 criminal 89:17 criteria 6:8 7:5 cross 81:25 crowded 62:16 Crownover	D Dallas 40:2 68:14 70:1 72:4 Darby 67:12 data 30:10 40:13 database 6:5 7:2,25 databases 40:11 date 6:9 43:25 48:7 50:7 52:13 93:2 93:4,21,25 99:5 121:21 dated 20:25 21:24 dates 51:1 daughter 73:20			

JA_007702

TX_00212294

USA_00022584

House Floor Debate

April 23, 2007

129

101:16	discriminate	63:6,7 64:5	75:2 76:5	earlier
105:5	61:1	64:7,7 66:1	drives	21:8,14
106:19	discrimin...	documenta...	9:2	27:23 49:20
110:11,15	19:24	12:19 13:4	driving	51:3,17
119:25	discuss	15:22 78:7	42:18 49:13	86:21
differently	50:24 80:4	documents	49:16,18	early
93:18 95:21	discussed	13:9 45:3	dropped	91:15 99:8
104:22,22	50:24	79:7 99:4	45:5	earn
116:2	discussion	doing	drug	116:9
differing	91:15	82:4 91:24	70:12	earned
27:9	disenfran...	92:23 95:16	dual	71:6
difficult	25:9 88:5	97:9 98:25	92:24 93:17	easier
19:23 58:25	disenfran...	101:2,5,10	99:1 104:20	57:25 60:12
60:11	9:5,11 38:6	102:12	dually	60:17 65:5
100:16	disfranch...	112:9	104:6	easily
diluting	87:13	dollars	Dukes	3:12 53:5
9:20	disillusi...	7:24 95:8	68:15	east
direct	53:12 99:10	door	Dunnam	55:6
101:9	dispropor...	98:9	47:4,6,7	easy
direction	115:22	doubt	55:17,18,23	15:21 79:24
71:3 74:24	disrupt	37:7	56:4,13,17	95:14
directly	87:17 88:10	downloaded	56:20 57:10	economy
20:23 21:12	distinction	118:25	57:18,20	86:5
22:12,15	70:2	DPS	58:18 59:8	ed
director	distincti...	26:14 27:17	59:11,15,22	21:23 22:12
70:6 73:11	70:5	41:11 42:11	60:7,18	22:15
Directors	district	44:10 49:19	61:3,17,22	education
70:13,18	31:12 35:19	85:6	62:1,2,5,7	44:8 79:4
disabilities	35:21,25	draw	62:11,14,21	Edwina
113:10	54:25 69:24	56:23,23	63:3 64:4	86:2
disabled	69:25 70:1	63:21	64:15,18,22	effect
49:16,17	72:19,21	drawing	65:6,9,12	26:13 52:21
disagree	75:17,19	61:10,12	65:21,24	89:21 90:8
3:1 94:17	76:1,1,3	drilled	66:8,16,19	90:11 91:1
96:11	districts	119:1	66:24 67:4	110:23
disagreement	60:9	driven	68:15	112:5,6
104:11	distrust	76:5	Dunnam's	effected
discarded	9:3	Driver	75:21	90:17 112:12
20:7 28:16	disturbing	67:13	Dutton	effecting
discouraged	88:16	driver's	68:15	91:3
110:2	division	5:20 6:2,25	duty	effective
discourages	70:3	13:25 19:17	45:24 46:5	79:13 81:16
96:22	Divorce	26:20 40:13	DVD	89:25
discovered	44:20	41:21 42:3	3:17	effects
119:1	document	42:10,16,19	D.A.s	118:2
discrete	15:8 21:22	43:22 45:20	16:19 17:10	effort
11:20	44:13,17	51:24 52:5		94:3 95:9
		56:15 63:10	E	

JA_007703

TX_00212295

USA_00022585

House Floor Debate

April 23, 2007

130

eight 76:24	electors 40:10 50:3	92:7 98:1 116:19	59:24	expect 76:24 78:9
Eiland 67:13 68:15	electric 43:3	119:13,17	evidence 12:1,4,11,16	112:15
Eissler 67:13,14	electronic 11:8	engaged 88:17	14:14 30:4	expectancy 49:5
69:1,2	elements 116:17	engages 97:14	80:17,22	expectation 49:5
either 5:8 8:13	eligible 8:5 25:9	engaging 94:14 98:5	evidently 38:5	expectations 57:8
58:6	39:8,10	119:16	ex 89:18	expensive 40:11
El 40:1 76:9	47:9 56:23	England 68:15 94:24	exactly 16:5 51:4	expertise 70:11
elaborate 12:10 65:18	77:22 79:7	enhanced 119:19	107:10,10	Expiration 121:21
elderly 62:9,20	95:12 96:9	enrolled 45:6	110:17	expired 18:12 30:19
75:16,18,25	eliminate 48:16,21	entered 51:1	112:16,19	43:24,24
76:4 81:8	92:6 101:6	entire 32:20 46:16	example 11:7 87:12	46:9 66:13
elected 70:13 72:7	119:12	entitled 24:7 63:7	88:10 90:3	98:18 117:2
election 4:1,7,24	eliminating 94:15 98:2	64:6	90:14 91:10	explain 20:17 36:25
6:12 7:8,15	116:18	entity 44:16	94:9 95:19	74:4 75:22
9:24 39:22	elimination 97:15 106:9	equal 2:10,10	103:22,24	76:24
40:7 58:2	118:24	equaled 32:21	106:11	explore 105:8
60:13,20	Elkins 67:16	era 47:20	examples 49:7	express 108:13,14
88:9 99:16	embarks 71:9	Escobar 68:15	excellent 36:14	116:14
99:18,19	emerged 32:16	essence 100:8	exceptions 49:7	expression 34:2 71:17
102:17,18	employed 121:11	essential 9:1	Exchange 70:14	extend 4:5 18:17
102:19	employee 44:2	essentially 28:16 104:7	exclude 61:7	46:17
113:15	employees 72:18	established 33:15	Executive 70:13	extended 18:14 30:24
114:20,21	enactment 105:1	estimate 13:6	exempt 82:13	117:5,9
114:21	encourage 109:14,16,18	everybody	exercise 81:24 93:11	extending 71:13 117:7
116:22	encouraging 20:4		exercised 91:23	extends 33:23
117:17	endeavors 73:1		exhibiting 33:14	extension 18:21
elections 1:7 3:3 5:14	enforcement 17:19 55:13		exist 6:9	external 71:5 73:11
9:22 10:11	engage		existing 40:15	extreme 106:12
11:1 12:3			exists 97:14,17	
45:4 50:15				
50:16 51:11				
53:7 88:8,9				
112:20,21				
112:21				
electoral 8:25 118:13				
electorate 115:21				

JA_007704

TX_00212296

USA_00022586

House Floor Debate

April 23, 2007

131

extremely 15:12 16:6 109:18	fairness 40:10 95:25	figure 15:22 29:11 74:9 118:6	67:14,19 68:1 69:1,3 69:4 96:14 97:22 114:11	8:13 27:22 42:11 76:15 78:25 79:2
F	fall 114:13	figures 30:14 118:18 118:19	Flot-Davis 121:5,20	formed 7:20
facilities 77:17	familiar 89:16 116:21 117:17	fill 29:24	Flower 70:22,25 72:5	former 7:13,13 37:25
facility 79:1	family 35:11 71:24	final 34:23 35:6 36:1	flown 62:5,7	formidable 34:24
fact 12:19 15:21 21:3,21 24:21,24 26:24 42:5 42:13 72:2 72:7 89:24 92:24 93:16 96:1,22 97:9,11 98:25 99:1 99:3,13,20 99:21 100:18 104:11,18 105:12 107:6,22,22 108:10 116:1	fans 33:17	financially 121:13	fly 63:22 64:1	forms 8:14 15:15 27:12 29:22 37:22 78:7 79:18
	far 92:20 96:2 97:1 108:2	find 12:9,21 15:24 82:9 89:4,5 116:4	flying 62:10,15,15	Fort 67:23,23
	Farabee 68:16	finds 3:10	Flynn 67:16	forth 4:2,2,2 56:2
	Farias 69:10	fine 119:15	folks 62:14,15,17 66:18 82:13	forward 16:11 77:10 87:25 89:3 89:23 106:11 110:24 112:15
	Farrar 68:16	finer 33:9	followed 60:10 119:4	fought 2:8 116:14 116:15
	faster 67:6	finish 6:23 20:1 33:3 88:13 94:19 114:16	following 36:20 47:1 69:6,8,12 73:25 83:3 83:11 84:6 84:25 85:14 86:7,13	found 3:7 43:12,14 45:10 79:21 116:6 118:4 118:5
	father's 87:7,8	fire 33:7	food 76:12	founded 10:22
	favor 3:11 52:8 66:21 82:19 82:19 84:18 84:23	fired 19:18	foot 55:22	four 5:13 40:4
	favorable 104:18	first 4:4 6:8 30:6 34:18 35:9 35:18 37:3 48:6,8 72:7 84:15,16 103:13 118:21	force 54:24 55:5 55:10	fourth 35:1
	avored 3:7	fit 73:16	foregoing 121:7	France 7:9
	fear 9:4	floor 1:8 46:23,24 48:3 54:1	foreign 5:7 12:2 13:16	franchise 118:1
	federal 62:19 83:19 83:21,23		forever 78:23	franchised 58:5
	fee 26:14 85:6		forgot 73:15	fraternity 73:17
	feel 9:5 53:5 58:19 110:6		form	
	fell 33:2			
	fight 97:2			
Fairbanks 34:24				
fairly 3:5				

JA_007705

TX_00212297

USA_00022587